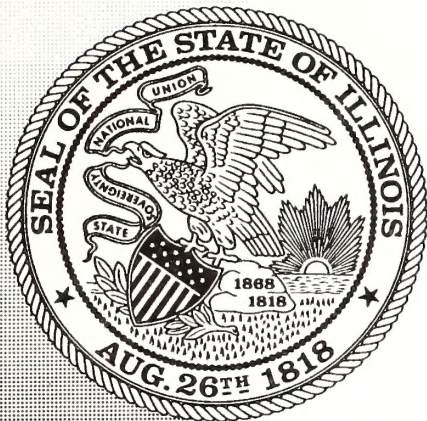


FI 1235
. A21
CM



1996

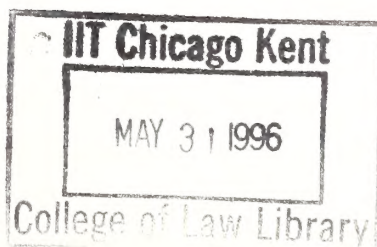
Illinois Register

Rules of Governmental Agencies

Volume 20, Issue 21 — May 24, 1996

Pages 7086 - 7472

Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017



published by
George H. Ryan
Secretary of State

TABLE OF CONTENTS
May 24, 1996 Volume 20, Issue 21

PROPOSED RULES

ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF

Alcoholism And Substance Abuse Treatment And Intervention Licenses	
77 Ill. Adm. Code 2060	7086
Beverage Alcohol Sellers And Servers Education And Training (BASSET) Programs	
77 Ill. Adm. Code 2057	7154
Driving Under The Influence Programs	
77 Ill. Adm. Code 2056, Repeal of	7160
Licensure Of Alcoholism And Substance Abuse Treatment, Intervention And Research Programs	
77 Ill. Adm. Code 2058, Repeal of	7197

MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES, DEPARTMENT OF

Administration	
59 Ill. Adm. Code 101	7276

PUBLIC AID, DEPARTMENT OF

Child Support Enforcement	
89 Ill. Adm. Code 160	7288
Developmental Disabilities Services	
89 Ill. Adm. Code 144	7302

REVENUE, DEPARTMENT OF

Property Tax Code	
86 Ill. Adm. Code 110	7305

TRANSPORTATION, DEPARTMENT OF

Disadvantaged Business Enterprises	
92 Ill. Adm. Code 10	7367

ADOPTED RULES

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

The Travel Regulation Council	
80 Ill. Adm. Code 3000	7372
Travel	
80 Ill. Adm. Code 2800	7379

LABOR RELATIONS BOARD, ILLINOIS STATE/ILLINOIS LOCAL

Freedom Of Information	
2 Ill. Adm. Code 2501	7384
General Procedures	
80 Ill. Adm. Code 1200	7391
Public Information, Rulemaking And Organization	
2 Ill. Adm. Code 2500	7396

Representation Proceedings	
80 Ill. Adm. Code 1210	7406
Unfair Labor Practice Proceedings	
80 Ill. Adm. Code 1220	7415

LABOR, DEPARTMENT OF	
Health And Safety	
56 Ill. Adm. Code 350	7419

EMERGENCY RULES

PUBLIC AID, DEPARTMENT OF	
Developmental Disabilities Services	
89 Ill. Adm. Code 144	7426

PEREMPTORY RULES

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	
Pay Plan	
80 Ill. Adm. Code 310	7434

NOTICE OF PUBLIC HEARINGS

ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF	
Alcoholism And Substance Abuse Treatment And Intervention Licenses	
77 Ill. Adm. Code 2060	7460
Beverage Alcohol Sellers And Servers Education And Training (BASSET) Programs	
77 Ill. Adm. Code 2057	7461
Driving Under The Influence Programs	
77 Ill. Adm. Code 2056, Repeal of	7462
Licensure Of Alcoholism And Substance Abuse Treatment, Intervention And Research Programs	
77 Ill. Adm. Code 2058, Repeal of	7463

NOTICE OF CORRECTIONS TO NOTICE ONLY

SECRETARY OF STATE	
Certificates Of Title, Registration Of Vehicles	
92 Ill. Adm. Code 1010	7464
Dealers, Wreckers, Transporters And Rebuilders	
92 Ill. Adm. Code 1020	7465

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received	7466
-------------------------------	------

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS

96-179	Metropolitan Pier and Exposition Authority	
	Employee Longevity Day	7467
96-180	Richard "Bish" Carson Day	7467
96-181	Sauganash Woman's Club Day	7468
96-182	Vietnamese National Day	7468
96-183	Disaster Areas - Madison, Monroe and St. Clair	
	Counties	7468
96-184	Disaster Area - Franklin County	7469
96-185	RP Awareness Day	7469
96-186	Lioness Caramel Day	7470
96-187	Drinking Water Link	7470
96-188	Lions Candy Day	7470
96-189	NAPM Days	7471
96-190	Disaster Area - Lawrence County	7471
96-191	Disaster Areas - 19 Counties	7472

Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April 14, 1995 - Issue 15: Through	March 31, 1995
July 14, 1995 - Issue 28: Through	June 30, 1995
October 13, 1995 - Issue 41: Through	September 30, 1995
January 12, 1996 - Issue 2: Through	December 31, 1995 (Annual)

REGISTER PUBLICATION SCHEDULE 1996

Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:
Dec. 19, 1995	Dec. 26, 1995	1	Jan. 5, 1996	June 25, 1996	July 2, 1996	28	July 12, 1996
Dec. 26, 1995	Jan. 2, 1996	2	Jan. 12, 1996	July 2, 1996	July 9, 1996	29	July 19, 1996
Jan. 2, 1996	Jan. 9, 1996	3	Jan. 19, 1996	July 9, 1996	July 16, 1996	30	July 26, 1996
Jan. 9, 1996	Jan. 16, 1996	4	Jan. 26, 1996	July 16, 1996	July 23, 1996	31	Aug. 2, 1996
Jan. 16, 1996	Jan. 23, 1996	5	Feb. 2, 1996	July 23, 1996	July 30, 1996	32	Aug. 9, 1996
Jan. 23, 1996	Jan. 30, 1996	6	Feb. 9, 1996	July 30, 1996	Aug. 6, 1996	33	Aug. 16, 1996
Jan. 30, 1996	Feb. 6, 1996	7	Feb. 16, 1996	Aug. 6, 1996	Aug. 13, 1996	34	Aug. 23, 1996
Feb. 6, 1996	Feb. 13, 1996	8	Feb. 23, 1996	Aug. 13, 1996	Aug. 20, 1996	35	Aug. 30, 1996
Feb. 13, 1996	Feb. 20, 1996	9	Mar. 1, 1996	Aug. 20, 1996	Aug. 27, 1996	36	Sept. 6, 1996
Feb. 20, 1996	Feb. 27, 1996	10	Mar. 8, 1996	Aug. 27, 1996	Sept. 3, 1996	37	Sept. 13, 1996
Feb. 27, 1996	Mar. 5, 1996	11	Mar. 15, 1996	Sept. 3, 1996	Sept. 10, 1996	38	Sept. 20, 1996
Mar. 5, 1996	Mar. 12, 1996	12	Mar. 22, 1996	Sept. 10, 1996	Sept. 17, 1996	39	Sept. 27, 1996
Mar. 12, 1996	Mar. 19, 1996	13	Mar. 29, 1996	Sept. 17, 1996	Sept. 24, 1996	40	Oct. 4, 1996
Mar. 19, 1996	Mar. 26, 1996	14	Apr. 5, 1996	Sept. 24, 1996	Oct. 1, 1996	41	Oct. 11, 1996
Mar. 26, 1996	Apr. 2, 1996	15	Apr. 12, 1996	Oct. 1, 1996	Oct. 8, 1996	42	Oct. 18, 1996
Apr. 2, 1996	Apr. 9, 1996	16	Apr. 19, 1996	Oct. 8, 1996	Oct. 15, 1996	43	Oct. 25, 1996
Apr. 9, 1996	Apr. 16, 1996	17	Apr. 26, 1996	Oct. 15, 1996	Oct. 22, 1996	44	Nov. 1, 1996
Apr. 16, 1996	Apr. 23, 1996	18	May 3, 1996	Oct. 22, 1996	Oct. 29, 1996	45	Nov. 8, 1996
Apr. 23, 1996	Apr. 30, 1996	19	May 10, 1996	Oct. 29, 1996	Nov. 4, 1996 (Mon.)	46	Nov. 15, 1995
Apr. 30, 1996	May 7, 1996	20	May 17, 1996	Nov. 4, 1996	Nov. 12, 1996	47	Nov. 22, 1996
May 7, 1996	May 14, 1996	21	May 24, 1996	Nov. 12, 1996	Nov. 19, 1996	48	Dec. 2, 1996 (Mon.)
May 14, 1996	May 21, 1996	22	May 31, 1996	Nov. 19, 1996	Nov. 26, 1996	49	Dec. 6, 1996
May 21, 1996	May 28, 1996	23	June 7, 1996	Nov. 26, 1996	Dec. 3, 1996	50	Dec. 13, 1996
May 28, 1996	June 4, 1996	24	June 14, 1996	Dec. 3, 1996	Dec. 10, 1996	51	Dec. 20, 1996
June 4, 1996	June 11, 1996	25	June 21, 1996	Dec. 10, 1996	Dec. 17, 1996	52	Dec. 27, 1996
June 11, 1996	June 18, 1996	26	June 28, 1996	Dec. 17, 1996	Dec. 23, 1996 (Mon.)	1	Jan. 3, 1997
June 18, 1996	June 25, 1996	27	July 5, 1996	Dec. 23, 1996	Dec. 31, 1996	2	Jan. 10, 1997

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

1) Heading of the Part: Alcoholism and Substance Abuse Treatment and Intervention Licenses

2) Code Citation: 77 Ill. Adm. Code 2060

3) Section Numbers: Proposed Action:

2060.101	New section
2060.103	New section
2060.201	New section
2060.203	New section
2060.205	New section
2060.207	New section
2060.209	New section
2060.211	New section
2060.213	New section
2060.215	New section
2060.217	New section
2060.219	New section
2060.221	New section
2060.223	New section
2060.225	New section
2060.227	New section
2060.301	New section
2060.303	New section
2060.305	New section
2060.307	New section
2060.309	New section
2060.311	New section
2060.313	New section
2060.315	New section
2060.317	New section
2060.319	New section
2060.321	New section
2060.323	New section
2060.325	New section
2060.327	New section
2060.329	New section
2060.331	New section
2060.333	New section
2060.335	New section
2060.337	New section
2060.339	New section
2060.341	New section
2060.401	New section
2060.403	New section
2060.405	New section
2060.407	New section
2060.409	New section

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

2060.411	New section
2060.413	New section
2060.415	New section
2060.417	New section
2060.419	New section
2060.421	New section
2060.423	New section
2060.425	New section
2060.501	New section
2060.503	New section
2060.505	New section
2060.507	New section
2060.509	New section

4) Statutory Authority: Illinois Vehicle Code [625 ILCS 5] and the Alcoholism and Other Drug Dependency Act [20 ILCS 301].

5) Description of the Subjects and Issues Involved: This new rule incorporates all licensing regulations for substance abuse treatment and intervention programs previously contained in Parts 2056 and 2058 (under repeal). It also includes new requirements for treatment programs relative to professional staff requirements, quality improvement, standardized treatment assessments utilizing patient placement criteria authorized by the American Society of Addiction Medicine (ASAM), specifications relating to the provision of early intervention and treatment to individuals as a result of driving under the influence of alcohol and/or other drugs (DUI) and minimum standards for the operation of recovery homes (alcohol and drug free housing).

6) Will this proposed rule replace a rule currently in effect? No

7) Does this proposed rule making contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of statewide policy objectives: It is not anticipated that these proposed rules will necessitate any local government to establish, expand or modify its activities in such a way as to cause additional expenditures from local revenues.

11) Time, place and manner in which interested persons may comment on this proposed rule making:

Norma J. Seibert
Administrator
Division of Licensing & Monitoring

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

Department of Alcoholism & Substance Abuse
222 S. College, 2nd Floor
Springfield, IL 62704
(217) 782-6086

12) Initial regulatory flexibility analysis:

- A) Types of small business, small municipalities and not-for-profit organizations affected: Businesses providing substance abuse treatment and intervention services that are subject to licensure by the Department of Alcoholism and Substance Abuse.
- B) Reporting, bookkeeping and other procedures required for compliance: Patient and client records, personnel files, procedure manuals, quality improvement plans and statistical reporting manually or electronically relative to services provided.

- C) Types of professional skills necessary for compliance: Professional certification through the Illinois Alcoholism and Other Drug Abuse Professional Certification Association (IAODAPCA) or appropriate and relevant licensure through the Department of Professional Regulation.

13) Regulatory agenda on which this rule making was summarized: July 1995

The full text of the Proposed Rule begins on the next page:

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

TITLE 77: PUBLIC HEALTH
CHAPTER X: DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE
SUBCHAPTER d: LICENSURE

PART 2060

ALCOHOLISM AND SUBSTANCE ABUSE TREATMENT
AND INTERVENTION LICENSES

SUBPART A: GENERAL REQUIREMENTS

Section	
2060.101	Applicability
2060.103	Incorporation by Reference and Definitions
SUBPART B: LICENSURE REQUIREMENTS	

Section	
2060.201	Types of Licenses
2060.203	Off-Site Services
2060.205	Unlicensed Practice
2060.207	Organization Representative
2060.209	Ownership Disclosure
2060.211	License Application Forms
2060.213	License Application Fees
2060.215	Period of Licensure
2060.217	License Processing/Review Requirements
2060.219	Renewal of Licensure
2060.221	Change of Ownership/Management
2060.223	Dissolution of the Corporation
2060.225	Relocation of Facility
2060.227	License Certificate Requirements

SUBPART C: REQUIREMENTS - ALL LICENSES

Section	
2060.301	Federal, State and Local Regulations and Court Rules
2060.303	Rule Exception Request Process
2060.305	Facility Requirements
2060.307	Service Termination/Record Retention
2060.309	Professional Staff Qualifications
2060.311	Staff Training Requirements
2060.313	Personnel Requirements and Procedures
2060.315	Quality Improvement
2060.317	Service Fees
2060.319	Confidentiality - Patient Information
2060.321	Confidentiality - HIV Antibody/AIDS Status
2060.323	Patient Rights

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

2060.325 Patient Records
 2060.327 Emergency Patient Care
 2060.329 Referral Procedure
 2060.331 Incident and Significant Incident Reporting
 2060.333 Complaints
 2060.335 Inspections
 2060.337 Investigations
 2060.339 License Sanctions
 2060.341 License Hearings

SUBPART D: REQUIREMENTS - TREATMENT LICENSES

Section

2060.401 Levels of Care
 2060.403 Detoxification
 2060.405 Group Treatment
 2060.407 Patient Education
 2060.409 Recreational Activities
 2060.411 Medical Services
 2060.413 Infectious Disease Control
 2060.415 Assessment for Patient Placement
 2060.417 Assessment for Treatment Planning
 2060.419 Treatment Plans
 2060.421 Subsequent Patient Placement
 2060.423 Progress Notes
 2060.425 Discharge

SUBPART E: REQUIREMENTS - INTERVENTION LICENSES

Section

2060.501 General Requirements
 2060.503 DUI Evaluation
 2060.505 DUI Risk Education
 2060.507 Designated Program
 2060.509 Recovery Homes

AUTHORITY: Implementing and authorized by the Illinois Vehicle Code [625 ILCS 5] and the Alcoholism and Other Drug Dependency Act [20 ILCS 301].

SOURCE: Adopted at 20 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL REQUIREMENTS

Section 2060.101 Applicability

This Part shall apply to all persons engaged in substance abuse treatment and intervention as defined in Section 301/15-3 of the Illinois Alcoholism and

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

Other Drug Abuse and Dependency Act [20 ILCS 301/15-5] and further defined in this Part.

Section 2060.103 Incorporation by Reference and Definitions

"Act" means the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301].

"Admission" means what occurs after a patient has completed an assessment, received placement into a level of care and been accepted for such treatment.

"Adolescent" means a person who is at least twelve years of age and under eighteen years of age.

"Adult" means a person who is eighteen years of age or older.

"Alcohol and Drug Evaluation Report Summary" means the form, developed by the Office of the Secretary of State and required for use by the Illinois courts when granting judicial driving privileges, as defined in Section 6-201 of the Illinois Driver Licensing Law [625 ILCS 5/6-201].

"Alcohol and Drug Evaluation Uniform Report" means the form, mandated by the Department and produced from the DUI Service Reporting System (DSRS), that is required to report a summary of the DUI evaluation to the circuit court or the Office of the Secretary of State.

"Americans with Disabilities Act of 1990 (ADA)" means that in accordance with 42 USC 12101 that public accommodations offer their services equally to persons without discrimination based on disabilities. An organization may not deny its services, offer unequal services or separate services, or have policies and procedures which have a discriminatory effect based on a disability, and shall remove barriers where possible and provide alternatives where not possible.

"ASAM Patient Placement Criteria" means the American Society of Addiction Medicine patient placement criteria for the treatment of psychoactive substance use disorders published as the American Society of Addiction Medicine (1996). Patient Placement Criteria for the Treatment of Substance-Related Disorders, Second Edition, (ASAM PPC-2). Chevy Chase, MD, The Society.

"Assessment" means the process of collecting and professionally interpreting data and information from an individual and/or collateral sources, with the individual's permission, about alcohol and other drug use and its consequences as a basis for establishing a diagnosis of a substance use disorder, determining the severity of the disorder

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

and comorbid conditions and identifying the appropriate level and intensity of substance abuse treatment, as well as needs for other services.

"Authorized Prescriber" means a physician licensed to practice medicine in all its branches pursuant to the Medical Practice Act of 1987 [225 ILCS 60] or a physician under federal authority who issues prescriptions pursuant to 21 CFR 1301.25 (1987).

"Chemical Test" means, in the context of intervention services, a breath, blood or urine test that measures the blood alcohol concentration (BAC) and/or drug concentration.

"Client" means a person who receives intervention services as defined in this Part.

"Clinical Services" means substance abuse assessment, individual or group counseling, and discharge planning. The organization may also determine that other specified activities require the services of a professional staff member.

"Continuing Care Plan" means a plan developed with the patient prior to discharge that identifies recommended activities, support groups, referrals and any other necessary follow-up activities that will support and enhance patient progress, to date.

"Continuum of Care" means a structure of interlinked treatment services (either offered by one organization or through linkage agreements with other organizations) that is designed so a patient's changing needs will be met as that individual moves through the treatment and recovery process.

"Controlled Substance" means a drug or substance, or immediate precursor, which is enumerated in the Schedules of Article II of the Illinois Controlled Substances Act [720 ILCS 570] and in the Cannabis Control Act [720 ILCS 550].

"Department" means the Department of Alcoholism and Substance Abuse.

"Detoxification" means the process of withdrawing a person from a specific psychoactive substance in a safe and effective manner.

"Director" means the Director of the Department of Alcoholism and Substance Abuse.

"Discharge" means the point at which the patient's treatment is terminated either by successful completion or by some other action initiated by the patient and/or the organization.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

"Drunk and Drugged Driving Prevention Fund" means a special fund in the State Treasury created by Section 50-20 of the Alcoholism and Other Drug Abuse and Dependency Act out of which the Department may provide reimbursement for DUI evaluation and risk education services to indigent DUI offenders pursuant to this Part, and which it may also use to enhance and support its regulatory inspections and investigations.

"DUI" means driving while under the influence of alcohol, other drugs or combination thereof as defined in the Illinois Vehicle Title and Registration Law [625 ILCS 5/Ch. 2-5] or a similar provision of a local ordinance.

"DUI Evaluation" means the service provided to a person relative to a DUI offense in order to determine the nature and extent of the use of alcohol or other drugs as required by the Unified Code of Corrections [730 ILCS 5] and Section 6-206.1 of the Illinois Driver Licensing Law [625 ILCS 5/6-206.1].

"DUI Service Reporting System (DSRS)" means the computer software that shall be utilized to summarize all evaluation and risk education service statistics semi-annually and to produce the "Alcohol and Drug Evaluation Uniform Report" and other associated forms.

"Facility" means the building or premises which are used for treatment and intervention services as specified in this Part.

"Incident" means any action by staff or patients that led, or is likely to lead, to adverse effects on patient services because of a deviation from established patient care procedures.

"Indigency Fee" means a minimum of ten percent but no more than thirty percent of the rate established by the Department for the DUI evaluation or DUI risk education service and, if applicable, the difference between the fee charged for the service and the Department rate established for that service.

"Indigent DUI Offender" means anyone who has proven inability to pay the full cost of the DUI evaluation or risk education service as determined through criteria established by the Department and whose uncollected costs for such DUI services may be reimbursed from the Drunk and Drugged Driving Prevention Fund.

"Individual Counseling" means a therapeutic interaction between a patient and professional staff that includes but is not limited to the following: assessment of the patient's needs; development of a treatment plan to meet those identified needs; continual assessment of patient progress toward identified treatment plan goals and

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

objectives; referral, if necessary; and discharge planning.

"Informed Consent" means a legally valid written consent by an individual or legal guardian which authorizes treatment, intervention or other services or the release of information about the individual, and which gives appropriate information to the individual so that he or she can authorize the service or disclosure with understanding of the consequences.

"Intervention" means activities or services which assist persons and their significant others in coping with the immediate problems of substance abuse or dependence and in reducing their substance use. Such services facilitate emotional and social stability and involve referring persons for treatment, as needed.

"Investigational New Drugs" means those substances which require approval by the U.S. Food and Drug Administration for trials with human subjects pursuant to 21 CFR 312 (1996).

"LAAM" means levo-alpha-acetyl-methadol which is a synthetic opioid agonist whose opioid effect is slower in onset and longer in duration (72 hours) than methadone and which is used in opioid maintenance therapy.

"Linkage Agreement" means a written agreement with an external organization to supplement existing levels of care and to arrange for other specialty services not directly provided by the organization.

"Methadone" means a synthetic narcotic analgesic drug (4,4-diphenyl-6-dimethylamino-heptanone-3-hydrochloride) which is used in opioid maintenance therapy.

"Mission Statement" means the reason for existence for the organization and/or specific setting or service.

"Opioid Maintenance Therapy (OMT)" means the medical prescription, medical monitoring and dispensing of opioid compounds (such as Methadone and LAAM) as a medical adjunct to substance abuse treatment.

"Off-Site Services" means licensable services which are conducted at a location separate from the licensed facility.

"Organization" means any public or private agency, corporation, unit of State or local government or other legal entity acting individually or as a group which seeks licensure or is licensed to operate one or more substance abuse treatment or intervention services.

"Organization Representative" means the individual in whom authority

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

is vested for the management, control and operation of all services at a facility and for communication with the Department regarding the status of the organization's license(s) at that facility.

"Patient" means a person who receives substance abuse treatment services as defined in this Part from an organization licensed hereunder.

"Person" means any individual, firm, group, association, partnership, corporation, trust, government or governmental subdivision or agency.

"Physician" means a person who is licensed to practice medicine in all its branches pursuant to the Medical Practice Act of 1987 [225 ILCS 60].

"Practitioner" means a physician, dentist, podiatrist, veterinarian, scientific investigator, pharmacist, licensed practical nurse, registered nurse, hospital, laboratory, or pharmacy, or other person licensed, registered, or otherwise permitted by the United States pursuant to 21 CFR 1301.21 (1996) and this State to distribute or dispense in accordance with Section 312 of the Illinois Controlled Substances Act [720 ILCS 510], conduct research with respect to, administer or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

"Professional Staff" means any person who provides clinical services or who delivers intervention services as defined in this Part.

"Psychiatrist" means a physician licensed to practice medicine in all its branches pursuant to the Medical Practice Act of 1987 [225 ILCS 60] and who meets the requirements of the Mental Health and Developmental Disabilities Code [405 ILCS 5].

"Recovery Home" means alcohol and drug free housing authorized by an intervention license issued by the Department, whose rules, peer-led groups, staff activities and/or other structured operations are directed toward maintenance of sobriety for persons in early recovery from substance abuse or who recently have completed substance abuse treatment services or who may still be receiving such treatment services at another licensed facility.

"Relapse" means a process manifested by a progressive pattern of behavior that reactivates the symptoms of a disease or creates debilitating conditions in an individual who has experienced remission from addiction.

"Residential Extended Care" (formerly halfway house) means residential clinical services for adults (17 year olds may be admitted provided

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

that their assessment includes justification based on their behavior and life experience) or adolescents provided by professional staff in a 24 hour structured and supervised treatment environment. This type of service is primarily designed to provide residents with a safe and stable living environment in order to develop sufficient recovery skills.

"Revocation" means the termination of a treatment or intervention license, or any portion thereof, by the Department.

"Risk" means, in the context of intervention services, the designation (minimal, moderate, significant, or high) assigned to a person who has completed a substance abuse evaluation as a result of a charge for DUI which describes the person's probability of continuing to operate a motor vehicle in an unsafe manner. This assignment is based upon the following factors: the nature and extent of the person's substance use; chemical testing results; prior dispositions for DUI, statutory summary suspensions or reckless driving convictions reduced from a DUI; and any other significant dysfunction resulting from substance use or dependence.

"Significant Incident" means any occurrence at a licensed facility that requires the services of the coroner and/or which renders the facility inoperable.

"Significant Other" means the spouse, immediate family member, other relative or individual who interacts most frequently with the patient in a variety of settings and who may also receive substance abuse services.

"Substance Abuse or Dependence" means maladaptive patterns of substance use leading to a clinically significant impairment or distress as defined in the American Psychiatric Association: Diagnostic and Statistical Manual of Mental Disorders Fourth Edition (DSM-IV), Washington, DC, American Psychiatric Association, 1994.

"Support Staff" means the clerical, administrative, and management personnel who do not deliver clinical or intervention services.

"Transfer" means the process that occurs when a patient can no longer receive services at an organization because the appropriate level of care is not available, or the movement of the patient from one level of care to another within an organization's continuum of care.

"Treatment" means a continuum of care provided to persons addicted to or abusing alcohol or other drugs that is designed to identify and change patterns of behavior that are maladaptive, destructive and/or injurious to health; or to restore appropriate levels of physical,

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

psychological, and/or social functioning.

"Treatment Plan" means an individually written plan for a patient which identifies the treatment goals and objectives based upon a clinical assessment of the patient's individual problems, needs, strengths and weaknesses.

"Tuberculosis Services" means counseling the person regarding tuberculosis; testing to determine whether the person has been infected with mycobacteria tuberculosis to determine the appropriate form of treatment; and providing for or referring the infected person for appropriate medical evaluation and treatment.

"Utilization Review" means a quality protective function which attempts to ensure that the patient is receiving an appropriate level of services, in accordance with assessed clinical conditions. Utilization review activities focus primarily in four major areas: (1) the appropriateness and clinical necessity of admitting a patient to a level of care; (2) the appropriateness and clinical necessity of continuation of the initiated level of care; (3) the initiation and completion of timely discharge planning; and (4) the appropriateness and clinical necessity and timelines of support services.

SUBPART B: LICENSURE REQUIREMENTS

Section 2060.201 Types of Licenses

Substance abuse treatment and intervention services as specified in Section 2060.101 of this Part shall be licensed by the Department. An organization may apply for an intervention and a treatment license at the same facility and all authorized services by those licenses shall be part of a single license for that facility. Consistent with rules herein, services may be provided to adults as well as adolescents. The license certificate for the facility shall specify all levels of care and a designation of adult and/or adolescent services. Individuals who are 16 and 17 may be admitted as adults and individuals who are 18, 19 and 20 may be admitted as adolescents provided that the assessment of such individuals includes justification based on the person's behavior and life experience.

a) Treatment

A treatment license issued by the Department may authorize substance abuse services in all four levels of care established in the ASAM Patient Placement Criteria. The level of care and category (adolescent/adult) shall be specified on the license application or, after licensure, on any application to add an additional level of care and/or category (adolescent/adult).

b) Intervention

An intervention license issued by the Department may authorize the following services:

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

- 1) **DUI Evaluation**
Substance abuse evaluation services for persons who are charged with driving under the influence (DUI) offenses pursuant to the Illinois Vehicle Code [625 ILCS 5/11-501] or similar local ordinances that determine the offender's risk to public safety and make a subsequent corresponding recommendation for intervention to the Illinois courts or the Office of the Secretary of State.
- 2) **DUI Risk Education**
Substance abuse risk education services for persons who are charged with driving under the influence (DUI) offenses pursuant to the Illinois Vehicle Code [625 ILCS 5/11-501] or similar local ordinances.
- 3) **Designated Program**
A program designated by the Department to provide screening, assessment, referral and tracking services pursuant to Article 40 of the Act.
- 4) **Recovery Homes**
Alcohol and drug free housing with rules, peer-led groups, staff activities and/or other structured operations which are directed toward maintenance of sobriety for persons in early recovery from substance abuse or persons who have completed substance abuse treatment services or who may still be receiving such treatment at another licensed facility.

Section 2060.203 Off-Site Services

- a) Licensure shall be facility specific; however, treatment services may be offered off-site when good cause is established by the organization and an exception is granted by the Department.
- b) The exception process for off-site services shall not apply to emergency situations where prior approval cannot be obtained or to services delivered in jails, schools or hospitals. However, in such cases, the rationale and location for the provision of the off-site service shall be documented in the patient record and any patient record utilized or stored at the off-site location shall be done so in accordance with the provisions specified in Section 2060.319 of this Part.
- c) In order to receive an exception for off-site services the licensed organization shall submit a request to the Department at least 30 calendar days prior to the anticipated provision of such services. The request shall include the following:
 - 1) the legal name, address and telephone number of the off-site location;
 - 2) the services that will be provided at the off-site location;
 - 3) the days of the week and hours when each service will be provided;
 - 4) the legal name, address, telephone number and license number of

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

- the organization that will operate and provide supervision for the services;
- 5) the names of professional staff who will provide the services;
 - 6) the reason for the provision of services at the off-site location; and
 - 7) the numbers of individuals to be served.
- d) In determining whether the provision of off-site service shall be allowed, the Department shall consider, but not be limited to, appropriate factors such as:
- 1) the ability to provide the environment required for the level of care;
 - 2) the gravity of the reason that service at the licensed location is not acceptable (transportation requirements, sickness, etc.);
 - 3) availability of necessary support functions at the off-site location;
 - 4) ability to provide professional environment at the off-site location;
 - 5) physical safety of the patient; and
 - 6) compliance with applicable State and federal regulations.
- e) The Department shall also be notified of any change in the provision of off-site services at least ten calendar days prior to any change in such services.
- f) Failure to report such information to the Department shall result in the unlicensed practice of services at such locations.

Section 2060.205 Unlicensed Practice

- a) Whenever the Department determines that an unlicensed person is engaging in activities which require licensure, pursuant to the specifications in Section 2060.120 of this Part, the Director shall issue an order to that person to cease and desist from engaging in the activity. The order shall specify the particular services which require licensure, and shall include citation of relevant Sections of the Act and this Part.
 - b) The Department's order shall be accompanied by a notice which instructs the recipient that written documentation may be submitted to the Department within ten calendar days to support a claim that licensure is not required, or that the recipient is properly authorized to conduct the services.
 - c) After the expiration of the ten day period, if the Department believes that the unlicensed person is continuing to provide services that require licensure, the matter shall be referred to the appropriate State's Attorney or to the Office of the Attorney General for prosecution.
- Section 2060.207 Organization Representative
- a) At each facility, one individual shall be designated by the

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

organization as the authority for the management, control, and operation of all services relative to that facility and for communication with the Department regarding the status of the license for that facility. This person shall be known as the organization representative.

- b) The Department shall be notified, in writing, within ten calendar days, when there is a new designation of an organization representative.

Section 2060.209 Ownership Disclosure

- a) At the time of application for licensure, the names and addresses of all owners or controlling parties of the organization (whether they are individuals, partnerships, corporate bodies, or subdivisions of other bodies, such as public agencies or religious, fraternal, or other charitable organizations) shall be fully disclosed.
- b) In the case of corporations, the names and addresses of all officers, directors, and stockholders owning five percent or more of the stock of the corporation, either beneficial or of record, shall be disclosed.

Section 2060.211 License Application Forms

- a) An application for a license, an application to renew a license, an application to relocate a facility or an application to add an additional level of care or category (adolescent/adult) shall be made on forms specified by the Department. The organization shall provide any and all information requested on the application forms.
- b) Such forms may be obtained in person or by writing to:

Illinois Department of Alcoholism and Substance Abuse
160 N. LaSalle, Suite N700
Chicago, Illinois 60601
Attention: Division of Licensing and Monitoring
(312) 814-4718

or

Illinois Department of Alcoholism and Substance Abuse
222 S. College, 2nd Floor
Springfield, Illinois 62704
Attention: Division of Licensing and Monitoring
(217) 792-0685

- c) An application for a license shall be signed and dated by the organization representative, and at least two of the corporate officers in the case of a corporate applicant, or by all partners or associates in the case of a partnership or association.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

Section 2060.213 License Application Fees

- a) Application fees are due upon application for each facility license. Application fees are not refundable. Payment shall be made by check or money order made payable to the Department of Alcoholism and Substance Abuse. Payment shall not be in the form of U.S. currency, foreign currency, or stamps. A separate check or money order shall be submitted with each application.
- b) The application fee is \$200.00 for each facility license.
- c) Relocation of a facility requires submission of a relocation application and payment of the application fee.
- d) No application fee shall be required of any unit of local, State, or federal government.

Section 2060.215 Period of Licensure

- a) Each license issued by the Department shall be effective for a period of three years.
- b) At any time during this licensure cycle, an additional treatment or intervention service may be added at a facility at no extra cost.

Section 2060.217 License Processing/Review Requirements

- a) All licensure applications are deemed received by the Department on the postmarked date.
- b) The Department shall notify the organization regarding any error or omission found after review of the application. The organization shall submit all requested information within 90 calendar days after the date of the Department's notification. If the organization fails to submit all required information within this 90 day period, the entire application will be returned and the process will be terminated. To re-initiate the process after this 90 day period, the organization shall re-submit the corrected application and another application fee.
- c) The Department may verify the data furnished in any application for licensure. Submission of an application carries implied consent to permit inquiry into the data furnished when an examination of submitted information discloses an anomaly or disparity in the information in comparison to that on file with the Department or other data submitted by other organizations, or information about the organization, facility, staff and/or board of directors received by the Department.
- d) The Department may, either before or after the issuance of a license, request the cooperation of the State Fire Marshal, county health departments, or municipal boards of health to make investigations if the Department is unable through its own resources to ascertain compliance with this Part.
- e) Prior to issuance or renewal of a license and upon receipt by the Department of evidence to the contrary, the Department may seek to

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

verify that the physical, mental and professional capability and integrity of management, control and/or ownership personnel is sufficient to assure that the applicant can perform anticipated services with reasonable judgement, skill and safety. In determining such capability and integrity the Department may consider, but is not limited to, the following:

- 1) the accuracy of materials and information maintained and/or submitted in the course of the establishment or operation of the services;
 - 2) prior criminal conduct by personnel;
 - 3) prior violations of this Part or any other Department Rule by the organization or by personnel either as current employees of the organization applying for licensure or as employees of any other organization that has held or holds a license from the Department;
 - 4) competent evidence of emotional, psychological and/or physical impairment which may substantially interfere with the provision of services as licensed; or
 - 5) the timeliness of responses to the Department's reasonable requests for information from such personnel.
- f) The Department may investigate the background of staff members, if deemed necessary, to assure that these individuals satisfy applicable professional requirements and/or standards referenced in Sections 2060.309 and 2060.313 of this Part.

Section 2060.219 Renewal Of Licensure

- a) The Department shall send a license renewal application to each organization at least 60 calendar days prior to expiration of the license. The organization shall notify the Department if the license renewal application is not received.
- b) The Department shall receive the license renewal application at least 30 calendar days prior to expiration of the license in order to guarantee that the renewal process is complete prior to expiration.

Section 2060.221 Change of Ownership/Management

- a) Each license issued by the Department shall be valid only for the premises and persons named in the application. Licensure is not transferable. A license shall become null and void when:
 - 1) a change in ownership involving more than 25% of the aggregate ownership interest within a one year period or a significant change in management; or
 - 2) a change of 5% or more in the board of directors of a not-for-profit corporation within a one year period.
- b) In order to obtain a new license reflective of the change in ownership the licensees shall submit to the Department:
 - 1) written notification at least ten calendar days prior to any of

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

- 2) an application for initial licensure and the license application fee of \$200 per license.

- c) Failure to notify the Department within ten calendar days relative to the above referenced changes in ownership will result in the imposition of a license fee of \$1000 for each affected license.

Section 2060.223 Dissolution of the Corporation

- a) A license shall become null, void and of no further effect when there is any dissolution of the corporation. Written notification shall be given to the Department within ten calendar days after such dissolution.
- b) A license issued to a corporation which is subsequently dissolved shall not be reactivated upon reinstatement of the corporation and the license is also subject to sanctions provided herein. Such corporation shall reapply for licensure.
- c) In order to obtain a new license relative to reinstatement of a corporation, an application for initial licensure and the license application fee of \$200 per license shall be submitted to the Department. If the Department was not notified within ten calendar days relative to the dissolution of the corporation the license fee will be \$1000 for each affected license.

Section 2060.225 Relocation of Facility

- a) Notification shall be given to the Department at least 30 calendar days prior to the relocation of any facility.
- b) An application shall be completed by the organization relative to each relocation.
- c) A relocation fee of \$200 per application is required unless proper notification, as referenced in subsection (a), was not given, in which case the relocation fee will be \$1000 per application.

Section 2060.227 License Certificate Requirements

- a) A license certificate shall be issued by the Department for each facility that reflects the type of license and the levels of care and category (adolescent adult) authorized for that facility. The license certificate shall remain the property of the Department and shall be returned to the Department if there is a change in ownership, management, or location, or if the license is suspended, revoked or modified.
- c) The license certificate issued by the Department shall contain the name and address of the facility, license number, all levels of care and the category (adolescent adult) authorized by that license and expiration date.
- d) The most current license certificate issued by the Department shall be

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

be documented:

- 1) all local and State health, safety, sanitation, building and zoning codes;
 - 2) all applicable sections, as specified below, of the National Fire Protection Association's (NFPA) Life Safety Code of 1994 (National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269);
 - 3) the facility requirements specified in the Environmental Barriers Act (410 ILCS 25) and the Illinois Accessibility Code (71 Ill Adm Code 400); and
 - 4) the facility requirements specified in the Americans with Disabilities Act of 1990 (42 USC 12101).
- b) The days and hours of operation shall be posted at each facility where treatment or intervention services are provided. This information shall be displayed in a location that is visible to all persons.
- c) Each facility shall also:

- 1) have a written emergency preparedness plan which ensures appropriate disaster preparedness and continuation of services, if possible, after a disaster. This plan shall contain provisions for a tornado and fire drill at least annually, identify the role of the facility in a community-wide disaster and have an emergency evacuation plan including provisions for disabled persons; and
 - 2) have areas for confidential interviewing, counseling, administration and public reception and waiting areas.
- d) Residential extended care facilities shall comply with the provisions specified in Chapter 20 (Lodging or Rooming Houses) of the National Fire Protection Association's (NFPA) Life Safety Code of 1994 for any building housing 16 or fewer residents and with the provisions specified in Chapter 17 (Existing Hotels and Dormitories) of the NFPA Life Safety Code of 1994 for any building housing 17 residents or more.
- e) Inpatient treatment facilities shall comply with the provisions specified in Chapter 16 (New Hotels and Dormitories) of the NFPA Life Safety Code of 1994.
- f) All existing outpatient treatment facilities shall comply with Chapter 27 (Existing Business Occupancies) of the NFPA Life Safety Code of 1994. Any outpatient treatment facility constructed after promulgation of this Part shall comply with Chapter 26 (New Business Occupancies) of the NFPA Life Safety Code of 1994.
- g) Facilities shall also ensure, as applicable:
- 1) that each bedroom is kept clean and organized;
 - 2) that each bedroom is occupied only by those of the same sex, except in situations where children are in residence with a parent in treatment;
 - 3) a separate bedroom is provided for any 16 or 17 year old patient admitted to an adult inpatient service;
 - 4) a minimum of 80 square feet is provided in a single bedroom and

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

displayed in the facility at all times in a location that is visible to all patients.

SUBPART C: REQUIREMENTS - ALL LICENSES

Section 2060.301 Federal, State and Local Regulations and Court Rules

All organizations shall attest to compliance, on the license application, and shall comply with all applicable provisions of State and Federal constitutions, laws, regulations, court rules or judicial orders, including but not limited to:

- a) The Illinois Human Rights Act (775 ILCS 5). The licensee shall also take affirmative action to ensure that no unlawful discrimination is committed;
- b) The Americans with Disabilities Act of 1990 (42 USC 12101) and the regulations and guidelines;
- c) The Environmental Barriers Act (410 ILCS 25) and The Illinois Accessibility Code (71 Ill Adm Code 400);
- d) The Age Discrimination Act of 1975; and
- e) The 1991 Civil Rights Act.

Section 2060.303 Rule Exception Request Process

- a) Requests for exceptions to any Section in this Part which is not statutorily mandated may be submitted to the Department. Such requests shall be made to the Director in writing, indicating the specific basis, rationale and need for the exception.
- b) The Director shall consider, but not be limited to, the following factors: the organization's patient or client population and size; type of services; geographic location; client or patient well-being if the exception is granted; and the specific geographic location of the organization.
- c) Exceptions to Sections that are not statutorily mandated may be requested; however, if a Section contains a specific exception provision, the specific provision shall control.
- d) The Department may revoke any exception granted where the circumstances which gave rise to the exception no longer exist. The Department shall be notified in writing no later than ten calendar days after the circumstances which gave rise to the exception no longer exist.
- e) An exception to any Sections shall be valid only for the term of the license under which it was granted. At the point of license renewal, reapplication for the exception shall be made.

Section 2060.305 Facility Requirements

- a) At the time of application for initial or renewal licensure, on a form supplied by the Department, full compliance with the following shall

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

- 60 square feet per bed in a multi-bed room with no more than four beds per room;
- 5) at least three feet of space is provided at the foot or head and one side of each bed and at least three feet between each bed;
 - 6) that bunk beds will not be used for any detoxification patient and all other beds shall be non-folding, at least 36 inches wide and have flame retardant mattresses;
 - 7) that each inpatient bedroom is an outside room with not less than the equivalent of ten percent of its floor area devoted to windows, which shall be covered with curtains, blinds, or shades;
 - 8) that no inpatient bedroom opens into the kitchen or necessitates passing through the kitchen to reach any other part of the facility;
 - 9) that no bedroom is in an attic or in an area with a floor more than three feet below the adjacent ground level;
 - 10) that each inpatient has a wardrobe, locker, or closet;
 - 11) that each bedroom has a swinging door no less than 32 inches in width which opens directly into a corridor or to the outside;
 - 12) that doors in inpatient facilities that lead to corridors shall not be lockable from the inside;
 - 13) that each bathroom contains a toilet and sink and that each tub or shower is enclosed with space for drying and dressing (the sink may be omitted from a bathroom which serves two adjacent bedrooms if each of these rooms contains a sink);
 - 14) that a bathroom is accessible to each central bathing area and that a minimum of one toilet, one sink and one bathtub or shower for each sex shall be provided on each inpatient floor occupied by both sexes;
 - 15) that one sink, one toilet and one bathtub or shower is provided for each eight beds on each floor where bathrooms are not adjacent to bedrooms;
 - 16) that all bathrooms are well lighted and vented to the outside, either by means of a window that can be opened or by an exhaust fan; that no bathroom, other than for employees, shall open directly into a kitchen, pantry, food preparation area or food storage room;
 - 17) that in inpatient facilities, a separate enclosed room is available for group counseling other than the one used for recreation or dining in any facility with a capacity to serve more than 20 patients;
 - 18) that any facility that provides 24 hour care or that provides any meals shall do so under the direction, as an employee or through a contractual agreement, of a Licensed Dietitian (LD) or a Licensed Nutrition Counselor (LNC);
 - 19) that the dietitian or licensed nutrition counselor shall develop a written plan for the provision of food services which describes either the organization of the food service and the delivery of food services or the arrangements for the provision of such

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

- services to patients;
- 20) that all nutritional aspects of patient care, including any specific dietary patient needs, shall be under the direction of the licensed dietitian, the licensed nutrition counselor or other persons who are supervised by the licensed dietitian or the licensed nutrition counselor;
 - 21) that the dining area is supervised and staffed to provide assistance to the patients when needed, shall be sized and equipped to accommodate the age and number of patients served and shall be separate from the kitchen area;
 - 22) that the preparation or cooking of regularly scheduled hot meals is restricted to kitchen areas which shall be designed and equipped to meet the requirements of the services provided, including provisions for food receiving, storage, and preparation, dish and pot washing, and waste disposal;
 - 23) that there is access to a handwashing sink and toilet and that all equipment and appliances are installed to permit thorough cleaning of all equipment, walls, baseboards, and non-acrabort floor material and that each kitchen has an Underwriters Laboratories (U.L.) approved five pound class B:C dry chemical fire extinguisher; and
 - 24) that if laundry is done at the facility, space for soiled linen sorting, laundry equipment including washers and dryers, and clean linen storage space is provided. If laundry is done outside the facility, a soiled linen storage room or area shall be provided.

Section 2060.307 Service Termination/Record Retention

- a) The Department shall be notified at least 30 calendar days prior to the date on which cessation of any service is scheduled to occur. If involuntary termination occurs due to inability to operate (from damage to the facility, loss of staff, change in management, corporate dissolution or any other cause) the licensee shall notify the Department upon termination even though the 30 day notice has not occurred.
- b) All patients receiving such services shall be apprised of the pending cessation and the needs of such patients shall be met by alternate means. The Department shall be notified within ten calendar days prior to closure of any case in which it is anticipated that a patient's needs cannot be met by existing systems of treatment.
- c) When notified by an organization of its intention to cease operations at a location, the Department, if necessary, will schedule an inspection to ensure that the controlled substances inventory is transferred or destroyed in accordance with the Drug Enforcement Administration (DEA) requirements set forth at 21 CFR 1307.14 and 1301.21 (1987), respectively.
- d) When an organization ceases operation of any service, all records

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

(patient, personnel, financial) relative to that service shall be maintained as follows:

- 1) If the organization has a current license issued by the Department for any other treatment or intervention service, the organization may maintain the records from the service that has ceased operation.
- 2) If the organization has no other current license issued by the Department for any other treatment or intervention service, all records shall be transferred for maintenance and storage to a treatment or intervention service currently licensed by the Department or to a person specifically exempted from such licensure in Section 15-5 of the Act.
- 3) The Department shall be notified regarding the location where records will be maintained and stored within ten calendar days after cessation of service.
- 4) Such records shall be stored and maintained for a period of five years from the date of cessation of service.
- 5) Upon cessation of operations, the license shall automatically become null and void, and all documentation of licensure shall be immediately surrendered to the Department.

Section 2060.309 Professional Staff Qualifications

- a) All professional staff providing clinical services (except as set forth in subsection (b)(1)), as defined in this Part, shall:
 - 1) hold clinical certification as a Certified Alcohol and Drug Counselor from the Illinois Alcoholism and Other Drug Abuse Professional Certification Association (IAODAPCA), 1305 Wabash Avenue, Suite L, Springfield, Illinois 62704; or
 - 2) be a licensed professional counselor or licensed clinical professional counselor pursuant to the Professional Counselor and Clinical Professional Counselor Licensing Act (225 ILCS 1071); or
 - 3) be a physician licensed to practice medicine in all its branches pursuant to the Medical Practice Act of 1987; or
 - 4) be licensed as a psychologist pursuant to the Clinical Psychology Practice Act (225 ILCS 151); or
 - 5) be licensed as a social worker or licensed clinical social worker pursuant to the Clinical Social Work and Social Work Practice Act (225 ILCS 201).
- b) All professional staff providing only clinical assessments, DUI evaluations or designated program intervention services, as defined in this Part, shall:
 - 1) meet one of the qualifications specified in subsection (a) above; or
 - 2) hold assessor certification as a Certified Assessment and Referral Specialist (CARS) from IAODAPCA.
- c) In any medically managed or monitored detoxification service at least one staff, 24 hours a day, shall:

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

- 1) be a registered nurse pursuant to Section 3(k) of the Illinois Nursing Act of 1987 (225 ILCS 65/3(k));
- 2) be a licensed practical nurse pursuant to Section 3(i) of the Illinois Nursing Act of 1987 (225 ILCS 65/3(i)) who has completed at least 40 clock hours of formal training in the field of alcoholism or other substance abuse; or
- 3) be a certified emergency medical technician pursuant to Section 4.12 of the Emergency Medical Services (EMS) Systems Act (210 ILCS 50/4.12) who has completed at least 40 clock hours of formal training in the field of alcoholism or other substance abuse.
- d) Any other staff who provide direct patient care that is not defined as a clinical service shall be supervised by an individual who meets the requirements for professional staff as defined in subsection (a) or (b).
- e) Any new professional staff, including interns, who will provide clinical services in a treatment or designated program service and who do not meet the requirements of subsection (a) or (b) when hired, shall:
 - 1) meet the requirements specified in subsection (a) or (b) within two years after the date after employment; and
 - 2) not work in any supervisory capacity until such requirements are met; and
 - 3) work under the direct, verifiable supervision of an individual who has staff supervisory responsibility at the facility and who meets the requirements for professional staff specified in subsection (a) or (b); and
 - 4) sign, and adhere to, a professional code of ethics developed by the organization.
- f) The above referenced supervision shall last until the employee meets at least one of the requirements for professional staff designation specified in subsection (a) or (b) or until the two year period has elapsed. Such supervision is verifiable, at a minimum, by:
 - 1) signature of the supervisor and the affected employee on the treatment plan and all reviews of or any change to the patient's treatment plan; and
 - 2) documentation of face-to-face supervision meetings, at least once monthly. This supervision can occur in a group or individual setting and shall be a distinct activity separate from regularly scheduled patient staffings.
- g) Any employee providing clinical services under supervision at one or more organizations who does not meet at least one of the requirements specified in subsection (a) or (b) within the relevant two year period or any current employee working at one or more organizations who does not meet the requirements specified in this Section within two years after the effective date of this Part shall not provide any direct clinical services at the end of the two years until such requirement is met.
- h) All staff providing DUI risk education services shall:

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

- 1) meet one of the qualifications specified in subsection (a); or
 - 2) hold certification from IAOPAPCA.
- i) It is the responsibility of each organization to ensure that all professional staff meet the requirements outlined in this Section.

Section 2060.311 Staff Training Requirements

- a) All organizations shall provide an initial employee orientation to all staff within the first seven days after employment that shall include, at a minimum, the following information:
 - 1) An overview of all organization operations, including the specific duties assigned to the employee; emergencies and disaster drills; familiarization with existing staff backup and support and all required training.
 - 2) An overview of this Part for all staff.
 - 3) Information on bloodborne pathogens and universal precautions (as those terms are defined in the regulations set forth in Section 2060.413 of this Part) and the importance of tuberculosis control and personal hygiene, the responsibilities of all staff with regard to infection control and an overview of the fundamentals of HIV, AIDS and tuberculosis control.
 - 4) Information on HIV and AIDS relative to the etiology and transmission of HIV infection and associated risk behaviors, the symptomatology and clinical progression of HIV infection and AIDS and their relationship to substance abuse behavior, the purposes, uses and meaning of available testing and test results, relapse prevention and sensitivity to the issues of an HIV infected patient.
 - 5) An overview of the principles of patient confidentiality, all related federal and State statutes and all record keeping requirements regarding confidential information.
- b) Within the first six months after the effective date of this Part each organization shall send at least one management or professional staff member to a Part 2060 Rules Orientation training session. This training shall be conducted by the Department and will be offered free of charge.
- c) Within the first six months after employment, any and all staff providing a DUI evaluation service shall attend one complete DUI Orientation training session offered or approved by the Department.
- d) Within the first six months after employment, any and all staff providing a DUI risk education intervention service shall attend the first day of a DUI Orientation training session offered or approved by the Department. Thereafter, each instructor shall obtain a minimum of twelve additional hours of substance abuse training annually.

Section 2060.313 Personnel Requirements and Procedures

- a) All professional staff:

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

- 1) shall be at least 18 years of age; and
 - 2) cannot have been convicted of any felony or had any subsequent incarceration for at least two years prior to the date of employment.
- b) Verification of the requirements specified in subsection (a) above shall be documented on the Department's Schedule L at the time of employment and this form shall be maintained in the employee's personnel file. Prior to employment a copy of the Schedule L, along with a letter requesting an exception for employment, shall be sent to the Department relative to any person that indicates a felony conviction within the time period specified above.
- c) In addition, any staff providing DUI evaluation or risk education services shall not have a suspension or revocation of driving privileges for an alcohol or drug related driving offense for at least two years prior to the date of employment.
- d) Any staff providing clinical or any other supportive services to a child or adolescent who is receiving treatment at a facility, or is receiving child care at a facility, or is residing at a facility with a parent who is in treatment shall consent to a background check to determine whether they have been indicated as a perpetrator of child abuse or neglect in the Child Abuse and Neglect Tracking System (CANTS), maintained by the State Central Registrar as authorized by the Abused and Neglected Child Reporting Act (325 ILCS 5.1/11.1(15)). The organization shall have a procedure which precludes hiring of indicated perpetrators based on the reasons set forth in 89 Ill Adm Code 385.30(a) and procedures wherein exceptions will be made consistent with 89 Ill Adm Code 385.30(e) and procedures for record keeping consistent with 89 Ill Adm Code 385.60.
- e) The organization shall ensure that treatment services for special populations (gender, youth, criminal justice, HIV, etc.) are delivered by appropriate professional staff as clinical needs indicate.
- f) The organization shall have written personnel procedures approved by the management or, if applicable, the board of directors. Such procedures shall apply to all full and part-time employees and shall include the process for:
 - 1) recruiting, selecting, promoting and terminating staff;
 - 2) verifying applicant or employee information;
 - 3) protecting the privacy of personnel records;
 - 4) performance appraisals, and review and update of job descriptions for all positions in the organization;
 - 5) disciplinary action, including suspension and termination;
 - 6) employee grievances;
 - 7) employment related accident or injury;
 - 8) handling instances of suspected or confirmed client abuse and/or neglect by staff, whether paid or volunteer;
 - 9) handling instances of suspected or confirmed alcohol and other drug abuse by staff; and
 - 10) documentation that the personnel procedures, and any changes in

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

- procedures, have been distributed to employees and are available on request.
- g) The organization shall provide documentation that all personnel procedures have been reviewed and approved at least annually by the authorized services representative or, if applicable, the board of directors.
 - h) A personnel file shall be maintained for each employee that contains:
 - 1) the employee's name, address, telephone number, social security number, emergency contact and telephone number;
 - 2) resume and evidence of qualifications;
 - 3) documentation of the Schedule I and any relevant background checks and/or exception request;
 - 4) unless otherwise kept in a training file, documentation of required training and continuing education received while employed by the organization (as indicated by a certificate of completion or the title, date and location of the training and the signature of the staff member who attended the training);
 - 5) a copy of any professional certification, current licensing and/or registration, and date of employment and/or termination from the organization; and
 - 6) a copy of the signed applicable professional code of ethics as referenced in Part 2060.309(e)(4) of this Part.
 - i) Each personnel file shall be maintained for a period of five years from the date of employee termination.

Section 2060.315 Quality Improvement

- a) The licensee shall design and utilize a quality improvement plan. Such plan shall be written and shall contain, at a minimum, a method of evaluation to assess achievement of the organization's mission and the functioning of the organization and its service delivery systems and utilization review.
- b) The quality improvement plan shall be approved by management or, if applicable, the board of directors of the organization and annually reviewed and revised as necessary.
- c) The evaluation shall contain, at a minimum:
 - 1) a mission statement for the organization;
 - 2) specific and measurable goals, objectives, activities and outcome standards that are utilized by the organization to achieve its missions and projected results;
 - 3) a description of how the organization will review and implement needed changes based on the results of the evaluation;
 - 4) a method to review use of medication in any level of care;
 - 5) a method of risk management that, at a minimum, includes:
 - A) review and analysis of any incident or significant incident reports as referenced in Section 2060.331 of this Part; and
 - B) design and implementation of necessary procedures to address both proactively and reactively any identified risks; and

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

- 6) a method of utilization review to measure appropriate patient placement.
- d) The method of organization evaluation shall be submitted with the application for licensure. The results of the evaluation shall also be available for inspection by the Department and submitted at the time of application for renewal of licensure.
- e) Utilization Review
 - 1) For treatment licensees, utilization review shall be conducted in accordance with the time frames established in Section 2060.421(a)(2) of this Part and shall be conducted on a minimum 15% sample. If random sampling at 15% indicates problems, the organization will develop a specific remediation plan to correct the identified problems. Utilization review shall be conducted in accordance with continued stay and discharge criteria as established in the ASAM Patient Placement Criteria.
 - 2) For DUI evaluation or designated program intervention licensees, utilization review shall:
 - A) be conducted at least quarterly on randomly selected cases consisting of at least 15% (but no less than five and no more than 20) of persons receiving each service; and
 - B) be based on the established criteria specified in this Part for the applicable category of intervention license relative to the substance abuse assessment or evaluation and subsequent intervention or referral.
 - f) All organizations required to conduct utilization review shall also:
 - 1) specify all staff participating in utilization review;
 - 2) specify how conflict of interest shall be addressed in any small organization where professional staff cannot always avoid reviewing their own cases; and
 - 3) issue a report of finding from utilization review at least quarterly and make such report available to all professional staff.
 - g) Treatment licensees who are not otherwise required to report data electronically to the Department shall maintain statistics which, at a minimum, determine the total number of assessments, admissions, and discharges per patient by type of discharge and the average length of stay in each level of care.
 - h) DUI risk education and recovery home services shall not be subject to utilization review as specified in subsection (e).

Section 2060.317 Service Fees

- a) A fee schedule shall be established which specifies the fee charged for all treatment and intervention services and any other related services and which also specifies or estimates the amount for which the individual might be responsible based upon the anticipated length of stay in treatment or the type of intervention service.
 - 1) This fee schedule shall be shown to every person as part of the

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

admission process or prior to the beginning of any intervention service.

- 2) This fee schedule shall also specify any limitation or restriction in the amount that can be charged to any person who is eligible for any type of federal or State subsidization for payment of the applicable service.

- b) Each person shall be given a fee statement indicating the amount that he or she will be responsible to pay along with any relevant payment schedule for each service. However, any person receiving any type of State or federal subsidization for full or partial payment of the service shall first provide proof of qualifying status as specified by the guidelines established for the specific subsidy. Such proof shall be relative to the current State fiscal year in which services are received. Documentation of this proof and the fee statement shall be kept in the patient record or in a separate patient financial record.

Section 2060.319 Confidentiality - Patient Information

- a) The organization shall have written policies and procedures controlling access to records and information which is governed by the Confidentiality of Alcohol and Drug Abuse Patient Records regulations (42 CFR 2 (1987)) of the Alcohol, Drug Abuse, and Mental Health Administration of the Public Health Service of the United States Department of Health and Human Services effective August 10, 1987, which is incorporated herein by reference, and Article 30 of the Act (20 ILCS 301/Art. 30). The policies and procedures shall be consistent with said regulations and statutes. The organization shall comply with said regulations and statutes.

- b) This Section shall not prohibit:

- 1) disclosure of information about a crime committed by a patient at the organization, or a threat to commit such crime;
- 2) disclosure of information about suspected child abuse or neglect, as allowed by, required by and consistent with State law;
- 3) disclosure of a patient's own records to the patient, or as consented to in writing by the patient;
- 4) communications of information between or among personnel having a need for the information in connection with their duties either within the organization or with an entity having direct administrative control over the services;
- 5) disclosure of information to medical personnel if necessary in a medical emergency;
- 6) disclosure of information as authorized by an appropriate court order upon showing of good cause, after appropriate procedure and notice, and with appropriate safeguards against unauthorized disclosure contained in the order as set forth in 42 CFR 2.61-2.67 (1987);
- 7) disclosure of information to qualified personnel for the purpose of conducting scientific research as set forth in 42 CFR 2.52

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

(1987);

- 8) disclosure of information to qualified personnel who are authorized by law or who provide financial assistance for the purpose of conducting audit or evaluation activity (services review or evaluation, quality review, financial or management audits, etc., as set forth in 42 CFR 2.53 (1987)).

This Section shall also not prohibit any other disclosure not precluded by the regulations and statute cited in subsection (a) above, nor by any other applicable law, provided that any and all of the above disclosure is done consistent with the regulations and laws in subsection (a) above, is made only to the extent allowed, for the purposes allowed and that appropriate safeguards as required therein are provided.

- c) Patient records and any other information which is subject to any laws and rules cited in this Section shall be maintained in a secure room, locked file cabinet, safe or other similar container when not in use. If patient information is stored in electronic or other types of automated information systems, security measures shall be in place to prevent inadvertent or unauthorized access to such information.
- d) Except as authorized by an appropriate court order granted pursuant to the regulations and statutes cited in this Section, no record referred to by said laws may be used to initiate or substantiate any charges against a patient or to conduct any investigation of a patient.
- e) The prohibitions cited in this Section apply to records concerning any individual who has been a patient, regardless of whether or when he or she ceases to be a patient.

- f) When the Department requests a record or information which is subject to the regulations and statutes cited in this Section for audit, evaluation, research or other authorized purposes, it shall, in writing:

- 1) indicate the purpose for obtaining the information;
 - 2) agree to maintain the information in accordance with security requirements of said laws;
 - 3) agree to comply with limitations on disclosures in said laws;
 - 4) agree to destroy all the information upon completion of its use; and
 - 5) indicate the authorized personnel to whom such information is to be submitted.
- g) Organizations providing a DUI evaluation or risk education intervention service shall disclose offender information as allowed by law. The informed consent form and procedures as referenced in Section 2060.503(d) and (e) of this Part shall be utilized to allow for the disclosure of evaluation and risk education information to Illinois court officials, the Illinois Office of the Secretary of State and the Department for the purpose of adjudicating and court monitoring of DUI cases, drivers license issues and for monitoring licensed services.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

- a) The organization shall have written policies and procedures controlling access to records and information governed by the AIDS Confidentiality Act [410 ILCS 305] (AIDS Act), and the AIDS Confidentiality and Testing Code (77 Ill Adm Code 697) (AIDS Code).
- b) The confidentiality of the following information is protected by the AIDS Act and AIDS Code:
- 1) the identity of a person upon whom a test for HIV is performed; and
 - 2) the results of a test for HIV for an individual.
- c) This Section shall not apply to HIV and/or AIDS risk reduction education and/or counseling, or other HIV and/or AIDS education which is provided to all persons but shall apply to information regarding individual requests for or participation in HIV pre-test and/or post-test counseling.
- d) When dealing with information governed by the AIDS Confidentiality Act and AIDS Code, this Section shall control, notwithstanding any other provisions of this Part to the contrary.
- e) An HIV antibody or AIDS test cannot be required as a condition of an authorization for release of information concerning his or her HIV antibody test or HIV or AIDS status as a condition of treatment.
- f) An individual who wishes to be tested for HIV antibodies shall be informed that he or she may undergo testing on an anonymous basis.
- g) Unless disclosure is otherwise authorized by statute and rule, no information governed by the AIDS Confidentiality Act and the AIDS Code shall be released by an organization, or by any member of its staff, to other staff members, including but not limited to the executive director, and/or to the medical director, and/or to any other person or entity, unless there is a legally effective consent or another exception in accordance with the statute and rule. Release of information which is allowed by consent or by statute and rule shall be done only to the extent provided therein.
- h) Records which document the above confidential information shall be maintained in a separate portion of the file and be accessible only in accordance with the AIDS Confidentiality Act and Section 697.140(c) of the AIDS Code.
- i) The organization shall have a policy regarding how and what shall be recorded if a person self-discloses HIV status during the course of treatment or if the person requires the administration of medications or other services by staff related to AIDS treatment. The policy shall protect the confidentiality of the person and protect his or her right to give consent prior to disclosure of HIV status, and shall limit disclosure to only what is necessary to accomplish the purpose of the disclosure.
- j) Any HIV and/or AIDS counseling or testing service which is operated within the facility is considered a separate service and shall maintain separate records. Organization staff shall not have access to such counseling and testing records unless otherwise authorized in

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

writing by the patient's informed consent.

Section 2060.323 Patient Rights

- a) A written statement shall be provided to any patient at the time of acceptance for an intervention service or admission to a treatment service which describes the rights of all patients as specified in Article 30 of the Act as follows:
- 1) access to services will not be denied on the basis of race, religion, ethnicity, disability, sexual orientation or HIV status;
 - 2) services will be provided in the least restrictive environment available;
 - 3) confidentiality of HIV/AIDS status and testing and anonymous testing as specified in Section 2060.321 of this Part;
 - 4) the right to nondiscriminatory access to services as specified in the American's With Disabilities Act of 1990 (42 USC 12101);
 - 5) the right to give or withhold informed consent regarding treatment and regarding confidential information about the patient;
 - 6) a description of the route of appeal available when a person disagrees with an organization's decision or policies;
 - 7) confidentiality of patient records as specified in Section 2060.319 of this Part;
 - 8) the right to refuse treatment or any specific treatment procedure and a right to be informed of the consequences resulting from such refusal.
- b) The patient will attest by signature that he or she has received a copy of the written statement of patient rights and this signatory document shall be maintained in the patient record.
- c) The statement of patient rights shall be posted in an area accessible to patients at all times.
- d) Each patient shall be given the statement of patient rights. If a patient is unable to read such written statement, it shall be read to the patient in a language the patient understands.

Section 2060.325 Patient Records

- a) Licensees shall maintain a written record for each patient. Any entry on the patient record shall be in ink, shall be dated and signed. Such signature shall indicate the full name of the individual making the entry.
- b) Any document or entry made on a document in the patient record that is in any other language than English shall have an accompanying English language translation.
- c) All patient records shall be protected in a locked room, locked file, safe or similar container or in computer records with secure, limited access.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

- d) Any patient record maintained on a computer system shall qualify as a written record. However, any record requiring patient or staff signature shall be maintained in hard copy. Any patient records on a computer database shall have a back-up system to safeguard the records in the event of operator or equipment failure. Any entry made on a patient record in a computer shall include the date of entry and the name of the person providing the service and making the entry.
- e) The patient record shall document any service provided by the organization at any facility. Additionally, if the organization holds more than one type of license at any facility, one patient record can document all of such services.
- f) The patient record shall contain the signatory document that indicates the patient has been informed of his or her rights.
- g) The patient record shall contain documentation indicating the consent of the patient, and any other family members or guardians, for any service.
- n) The patient record shall contain, on a standardized format, the following information:
- 1) name;
 - 2) home address;
 - 3) home and work telephone number;
 - 4) date of birth;
 - 5) sex;
 - 6) race or ethnic origin and/or language preference;
 - 7) emergency contact;
 - 8) education;
 - 9) religion;
 - 10) marital status;
 - 11) type and place of employment;
 - 12) physical or mental disability, if any;
 - 13) social security number;
 - 14) driver's license number, county of residence and county of arrest (required only for DUI evaluation or risk education services); and
 - 15) annual household income, if applicable to any subsidized or reduced fee for service.
- 1) The patient record shall contain dates relative to any admission, change in level of care, transfer or discharge.
- 2) The patient record shall contain a signed and dated service fee statement and proof, if applicable, of any qualifying documents relative to fee subsidization, including the "Qualification for DUI services as an indigent" form, unless this information is kept in a separate financial record.
- k) The patient record shall be kept for a period of five years from the date of discharge. While organizations may elect to keep records past this five year period, if the option to delete records is exercised, it shall be done by one of the following methods:
- 1) burning or shredding; or

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

- 2) erasure from all computer files.
- 1) The patient record shall contain the following information or documents as applicable to the service:
- 1) documentation of the treatment assessment and patient placement process;
 - 2) documentation of the diagnostic impression and physician confirmed diagnosis;
 - 3) documentation of any laboratory and/or other diagnostic procedures, results and reports of any medical services received (except for HIV testing unless the patient has given written informed consent) and documentation of the tuberculin skin test results, the date given and date read, if applicable;
 - 4) copies of all referenced forms in Subpart 5 for any offender receiving a DUI evaluation or risk education service;
 - 5) the treatment plan and documentation of all required signatures and dates;
 - 6) progress notes that document all treatment services, any subsequent treatment plan reviews and on-going assessment and documentation of all required signatures and dates;
 - 7) documentation of completion of patient education specified in Section 2060.107 of this Part;
 - 8) documentation of any correspondence or telephone calls received or made relevant to patient treatment services;
 - 9) a copy of the discharge summary unless the patient left prior to receiving any of these services; and
 - 10) documentation of any incident report or significant incident report that is specifically relevant to the patient.
- m) A staff member shall be designated who will have responsibility to ensure that all patient records are in compliance with this Part. This staff member shall review, at least annually, the patient record system to ensure that the system meets all requirements specified in this Part.
- n) Patient records shall be kept in the facility where the patient is receiving service or in accordance with Section 2060.103(b) of this Part, in specific relation to off-site services) and shall be directly accessible to the professional staff providing such services.
- o) Information in the patient record may be used for training, research and quality improvement provided that such information is collected in accordance with any relevant confidentiality requirements.

Section 2060.327 Emergency Patient Care

- a) A written plan shall be submitted at the time of application for licensure which specifies the manner in which emergency patient care is provided, either by the organization or through a linkage agreement with another facility or entity, in the event of unforeseen interruption of services to current patients.
- b) The plan should specify staff who are authorized to provide emergency

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

care, the method for exchange of patient records when necessary, the name, location and contact person who is part of the emergency patient care plan, the method of transfer of any patients, if applicable, to another facility and the method of notification of patient families concerning the emergency and any subsequent transfer of the patients.

Section 2060.329 Referral Procedure

- a) Written procedures shall be established for the referral of patients to other providers for services that are not available within the organization and/or that are requested by the patient. These procedures shall include the following:

- 1) the method of obtaining any necessary written consent from the patient for transfer of any relevant portion of the patient record and for communication regarding patient services with that provider;
- 2) the method for ensuring continuity of patient care which shall include a written referral document that indicates the reason for the referral, provides information about any service received to date and any additional services needed or requested, specifies any necessary continued coordination between the providers and the time frame for any necessary follow-up reports; and
- 3) the method by which a patient may request a referral.

Section 2060.331 Incident and Significant Incident Reporting

- a) An incident is any action by staff or patients that led to, or is likely to lead to, an adverse effect on patient services because of a deviation from established patient care procedures.
- b) Such incidents shall be documented immediately, in writing, by staff and such report shall be maintained at the facility for review by Department staff as necessary or during inspection.
- c) A significant incident is any occurrence at the facility which requires the services of the coroner and/or which renders the facility inoperable.
- d) A verbal report of any significant incident shall be given to the Department's Division of Licensing and Monitoring within 24 hours after its occurrence.
- e) A written report of any significant incident shall be submitted within ten calendar days after the occurrence and, if applicable, a copy of

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

any coroner's report shall be submitted within five calendar days after receipt of the written report.

Section 2060.333 Complaints

- a) A complaint shall be filed with this Department whenever evidence is discovered that indicates non-compliance with this Part by any other organization providing services licensed under this Part or about any person suspected of providing unlicensed services. An individual may also file a complaint with the Department relative to any service. In all cases, complaints shall be directed to the Department as follows:
 - 1) complaints may be received verbally but shall be documented in writing by the complainant before any official Department action is undertaken;
 - 2) any supporting documentation relative to the complaint shall also be submitted to the Department; and
 - 3) the Department shall notify the organization of any complaints that it receives relative to any service provided within the organization.
- b) The complaint procedure poster furnished by the Department shall be posted in an area accessible to persons at all times.

Section 2060.335 Inspections

- a) The Department shall conduct inspections of services licensed under this Part to enforce compliance with this Part.
- b) Such inspections shall be routinely scheduled but may also occur at any reasonable time. Employees of the Department shall be authorized to enter the facility and shall be permitted access to all areas and records.
- c) If consent to inspect is not given, the Department will seek access pursuant to Section 45-5 of the Act.

Section 2060.337 Investigations

- a) The Department may on its own motion, and shall upon the sworn complaint in writing of any person setting forth charges which, if proved, indicate criminal activity and/or would constitute grounds for sanction pursuant to the Act, conduct its own investigation and/or refer the matter for investigation.
- b) The Department may also refer such matters for investigation to the appropriate legal authority.

Section 2060.339 License Sanctions

- a) Prior to initiating a formal action to sanction a licensee, the Department will allow an organization an opportunity to take corrective action to eliminate or ameliorate a violation of the Act or

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

this Part, except in cases in which the Department determines that emergency action is necessary to protect the public interest, safety or welfare.

- b) The Department shall issue written notice to an organization determined to be in non-compliance. The Department's notice shall specify the particular activities deemed to violate the Act and/or this Part. The Department's notice shall require such corrective action as it deems necessary for compliance and shall establish a time period within which the corrective action is to be completed.
- c) In determining whether to initiate formal action the Department shall consider whether the organization made an effort to comply with the Department's notice of corrective action, whether compliance with the Act and this Part was achieved within the designated time frame and the potential for harm to a patient as a result of the failure to comply.
- d) Nothing contained herein shall preclude the Department from initiating formal action against an organization who has complied with the Department's notice of corrective action. In such case, the factors enumerated above shall be considered by the Director in determining whether and to what extent the following sanctions should be imposed:

- 1) Administrative Warning - A written warning issued by the Department which specifies rule violations and a corrective time period and that also warns that any additional violation of this Part may result in a more severe sanction.
- 2) Probation - Probation of the license for a specified period of time during which action shall be taken, as necessary, to achieve compliance with all licensure standards. When the probationary period has expired, the Department shall terminate the probationary status. If the Department determines that the organization still does not meet licensure standards or has continued violations, the Department may suspend the license or extend the probationary period, if such extension would likely result in correction.

- 3) Restricted License - A restriction placed on a license which limits operation to specified services after a Department finding that one or more services has not met licensure standards.
- 4) Financial Penalty - A financial penalty imposed upon a finding of violation of any one or combination of the provisions of Section 15-25 of the Act. A financial penalty may not be paid with public funds. In determining an appropriate financial penalty the Department may consider the deterrent effect of the penalty on the organization and on other providers, the nature of the violation, the degree to which the violation resulted in a benefit to the organization and or harm to the public and any other relevant factor to be examined in mitigation or aggravation of the organization's conduct. The financial penalty may be imposed in conjunction with other sanctions or separately.

- 5) Summary Suspension - An immediate suspension of the license

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

ordered if the Director finds that the public interest, safety, or welfare imperatively requires emergency action.

- A) A petition for summary suspension shall state the statutory basis for the action petitioned, allege facts, supported by evidence or affidavit, sufficient to demonstrate a need for emergency action, be signed by the Department's chief legal counsel and be presented to the Director either in person or by telephone and in the presence of a court reporter.
- B) An order for summary suspension shall contain findings of fact sufficient to support imposition of a summary suspension, recite the statutory basis for the action, appoint a hearing officer, demand immediate surrender of the license and be signed by the Director.
- C) A notice of summary suspension shall accompany the order and shall set a date for commencement of a hearing within 14 calendar days after the date on which the order takes effect. The notice of summary suspension shall also identify the hearing officer who will conduct the hearing and include a copy of the Department's rule pertaining to hearings.
- D) If the parties agree to a prehearing conference, such conference shall constitute the commencement of the hearing. The hearing shall determine whether the summary suspension shall remain in effect until conclusion of a formal hearing on the merits.
- 6) Suspension - Suspension of the license is a temporary withdrawal, by formal action, of a license for a period of time specified by the Department during which corrective action is taken to rectify problem areas that led to the suspension. When the corrective action has been taken, the Department will determine if such action meets Department standards and either reinstate or revoke the license.
- 7) Revocation - Revocation of the license is withdrawal by formal action of a license to provide treatment or intervention services. The revocation shall be in effect until such time as the license is reinstated or an application for a new license has been made and approved by the Department.
- e) The Department may reinstate a license, after a period of suspension or revocation, providing the organization proves full compliance with licensure standards.
- f) The Department shall deny a license application for failure to comply with the Act and this Part.

Section 2060.341 License Hearings

a) Applicability

This Section shall apply to all hearings conducted by the Department pursuant to Section 45-25 of the Act. In case of a conflict between

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

the provisions of this Section and the Illinois Administrative Procedure Act [5 ILCS 100], the provisions of the Illinois Administrative Procedure Act shall apply.

b) Parties

The parties to a hearing are:

- 1) the Department; and
- 2) the applicant or license holder who is afforded an opportunity for hearing or who requests a hearing in accordance with requirements specified in this Section.

c) Hearing Officer

- 1) A hearing officer shall conduct the proceeding.
- 2) The hearing officer shall be an attorney licensed to practice law in the State of Illinois or the Director with the mutual consent of both parties.

d) Representation

- 1) A party may be represented by an attorney at law who is licensed to practice law in the State of Illinois and who has filed an appearance with the Department.
- 2) Each party to a proceeding shall inform the Department of the address to which notices or other documents should be directed, if different from the address indicated in Department records.

e) Form of Papers

- 1) All papers filed in any proceeding shall be typewritten or printed on paper which does not exceed 8 1/2 by 11 inches, with margins not less than one inch wide. Typing or printing shall be on one side of the paper only.
- 2) All papers filed with the Department shall be filed in triplicate.

f) Pleadings

- 1) Pleadings shall contain the address of the party filing the pleading or the address of his or her attorney,
- 2) All pleadings filed with the Department shall be filed in triplicate.

- 3) The Department's "Notice of an Opportunity for Hearing" shall contain:

- A) a statement of the nature of the hearing;
 - B) a statement of the legal authority and jurisdiction under which the hearing is to be held;
 - C) a reference to particular Sections of the statutes and rules involved;
 - D) a brief statement of the matters asserted; and
 - E) a statement of the time and place that the hearing will be held if a timely request is made.
- 4) Any organization receiving a "Notice of an Opportunity for Hearing" shall file a request for such hearing within 30 calendar days after the date of the notice or the hearing rights afforded under the Act shall be deemed waived.
 - 5) A request for hearing shall be filed with the Director, either by

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

personal service or by certified or registered mail.

- 6) Upon receipt by the Director of a timely and properly filed request for hearing, the hearing will be scheduled to commence within a reasonable time period.

- 7) A "Notice of Hearing," which contains the information required by Section 10-25 of the Illinois Administrative Procedure Act [5 ILCS 100/10-25], will be sent to the parties at least ten calendar days prior to the scheduled hearing date.

- 8) Pleadings may be amended at any time prior to hearing, and may be amended at any time thereafter unless the hearing officer determines that amendment of the pleadings would cause delay in disposing of the issues of the case.

g) Motions

- 1) Motions, unless made during a hearing, shall be in writing, shall specify the relief or order sought, and shall be served on all parties.
- 2) Responses to written motions shall be in writing, unless made during a hearing.
- 3) Motions and responses to motions shall be filed with the hearing officer.
- 4) Motions or responses to motions which allege facts not in the record shall be accompanied by supporting affidavit.
- 5) Whenever a motion or a response to motion requests that relief be granted, specific authority shall be cited under which the hearing officer is empowered to grant such relief.
- 6) Oral argument on motions shall be allowed only if the hearing officer deems it necessary for a fuller understanding of the issues presented.

h) Discovery

- 1) The Director or the hearing officer shall, upon request, cause depositions of material witnesses within the State to be taken in the manner prescribed by Supreme Court Rules 201-212 [735 ILCS 5/201-212], and to that end compel the attendance of witnesses and the production of books, papers, or memoranda.
- 2) All evidence which forms the basis of the Department's proposed action which would be adverse to any party other than the agency will be made a part of the record and disclosed to the parties prior to the hearing.

i) Service

- 1) All required notices shall be served either by personal service or by certified or registered mail.
 - 2) The official address for service on the Department is 100 W. Randolph, Suite 5-600, Chicago, Illinois 60601.
- j) Prehearing Conference
 - 1) Prior to commencement of the hearing, the hearing officer shall conduct a prehearing conference. The purpose of the conference is for:
 - A) identification of contested issues;

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

- B) the exchange of evidence to be presented in written form;
 C) identification of issues which may be resolved by stipulation; and
 D) consideration of any other matter which may aid in the efficient disposition of the case.
- 2) Either party may elect to have a court reporter present during the prehearing conference. If no reporter is present, a written memorandum summarizing the discussions shall be prepared by the hearing officer and made a part of the official record of the case.

k) Conduct of Hearing

- 1) A full and complete record of the hearing shall be kept by the Department. The record shall include:
 A) all pleadings, notices, responses, motions, and rulings;
 B) evidence received;
 C) a statement of any matters officially noticed;
 D) offers of proof, objections, and rulings thereon;
 E) proposed findings and exceptions;
 F) hearing officer report;
 G) all staff memoranda or data submitted to the hearing officer in connection with the case; and
 H) any communication prohibited as an ex parte consultation, as defined by Section 10-60 of the Illinois Administrative Procedure Act (5 ILCS 100/10-60), but such communications shall not form the basis for any findings of fact.
- 2) All testimony shall be reported but need not be transcribed at the Department's expense unless the decision is appealed in accordance with the Administrative Review Law (735 ILCS 5/Art. III).
- 3) Both the burden of going forward with evidence and the burden of proof rest with the party requesting a hearing. The burden of proof is to show by a preponderance of evidence that the Department's decision is contrary to the evidence on the record when taken as a whole, the decision is arbitrary or capricious or the decision is contrary to law.
- 4) All parties to the hearing shall be permitted to present testimony, offer evidence, cross-examine witnesses, and present argument.
- 5) The hearing officer shall be authorized to conduct the hearing, administer oaths, issue subpoenas to compel testimony or production of documents, hold conferences for clarification of contested issues or for settlement, rule on motions, grant continuances as may be necessary, call or examine witnesses, and take such other actions as may be necessary to fairly and expeditiously provide the parties with an opportunity to be heard.
- 6) The hearing officer is not authorized to dispose of a case although disposition may be made of any contested issue by

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

stipulation. Disposition of the entire case may also be made by stipulation, agreed settlement, consent order or default.

- 7) Continuances and extensions of time shall be granted by the Director or hearing officer for good cause shown. Good cause is a bonafide reason on the part of the Department or any party to the hearing which would prevent the hearing from being held or completed as scheduled (e.g., illness of a party or an immediate family member, unavailability of counsel).
- 8) In contested cases, the rules of evidence and rules for taking official notice will be as contained in Section 10-40 of the Illinois Administrative Procedure Act (5 ILCS 100/10-40).
- 1) Hearing Officer Report
 1) Within 30 calendar after the conclusion of a hearing, the hearing officer shall deliver a report of the hearing to the Director.
 2) All exhibits, pleadings, documents, or other material made a part of the record will accompany the report.
 3) The report will summarize the testimony presented at the hearing and the hearing officer's opinion regarding the reliability of the witness.
- m) Proposal for Decision
 1) When the Director has not read the record, the decision, if adverse to a party other than the agency, shall not be made until a proposal for decision is served upon the parties, and an opportunity is afforded to each party adversely affected to file exceptions and to present a brief.
 2) The proposal for decision is prepared by one who has read the record and shall be approved by the Director for dissemination to the parties.
 3) The proposal for decision shall contain a statement of the reasons for the proposal and of each issue of fact or law necessary to the proposed decision.
 4) Exceptions and briefs shall be filed within 30 calendar days after the date of the proposal for decision.
 5) Oral argument on issues presented in the exceptions and brief is not permitted.
- n) Final Decision
 1) A final decision in a contested or uncontested case shall be in writing and shall include findings of fact and conclusions of law separately stated.
 2) Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings.
 3) Parties or their agents appointed to receive service of process shall be notified either personally or by registered or certified mail of any decision.
 4) The final decision may impose an administrative warning, a financial penalty, probation, suspension, revocation or denial of licensure.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

SUBPART D: REQUIREMENTS - TREATMENT LICENSES

Section 2060.401 Levels of Care

Substance abuse treatment shall be offered in varying degrees of intensity based on the level of care in which the patient is placed and the subsequent treatment plan developed for that patient. The level of care provided shall be in accordance with that specified in the ASAM Patient Placement Criteria and with the following:

- a) Level I: (formerly Outpatient)

Non-residential substance abuse treatment consisting of face-to-face clinical services for adults or adolescents. The frequency and intensity of such treatment shall depend on patient need but shall be a planned regimen of regularly scheduled sessions that average less than nine hours per week.

However, Level I care, for any patient receiving treatment as a result of a court order of sentencing for DUI and/or in order to regain driving privileges from the Office of the Secretary of State shall not exceed nine hours in seven consecutive days and shall not exceed four hours per day.
- b) Level II: (formerly Intensive Outpatient/Partial Hospitalization)

Non-residential substance abuse treatment consisting of face-to-face clinical services for adults or adolescents. The frequency and intensity of such treatment shall depend on patient need but shall be a planned regimen of scheduled sessions for a minimum of nine hours per week.

However, Level II care, for any patient receiving treatment as a result of a court order of sentencing for DUI and/or in order to regain driving privileges from the Office of the Secretary of State shall not exceed 15 hours in seven consecutive days and shall not exceed four hours per day.
- c) Level III: (formerly Inpatient/Residential)

Residential substance abuse treatment consisting of clinical services for adults or adolescents. The frequency and intensity of such treatment shall depend on patient need but shall, except in residential extended care as defined in this Part, include a planned regimen of clinical services for a minimum of 25 hours per week.

Inpatient care, with the exception of residential extended care as defined in this Part, shall require staff that are on duty and awake, 24 hours a day, seven days per week. During any work period, if professional staff as defined in Section 2060.309(a) of this Part are not on duty, such staff shall be available on call for consultation relative to any aspect of patient care.

Residential extended care shall require staff on duty 24 hours a day, seven days per week and that low intensity treatment services be offered at least five hours per week. Any staff providing clinical services shall meet the requirements for professional staff as defined in Section 2060.309(a) of this Part. Individuals who have been in

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

residence for at least three months without relapse may be used to fulfill any remaining staff requirements.

- d) Level IV: Medically Managed Intensive Inpatient

Residential substance abuse treatment for patients whose acute bio/medical/emotional/behavioral problems are severe enough to require primary medical and nursing care services. Such services are for adults or adolescents and require 24 hour medically directed evaluation, care and treatment and that a physician see the patient daily.

Section 2060.403 Detoxification

Detoxification may occur in any level of care. The medical director, as referenced in Section 2060.411 of this Part, shall develop protocol and authorized procedures for the medical supervision of the patient receiving detoxification services that are not medically monitored or managed. This protocol, at a minimum, shall specify that such detoxification is for adults only (17 year olds may be included provided that their assessment includes justification based on behavior and life experience). All other detoxification shall be medically monitored or managed by a physician according to the specifications contained in the ASAM Patient Placement Criteria and as follows:

- a) Medically Monitored

Medically monitored detoxification is for adults only (17 year olds may be included provided that their assessment includes justification based on behavior and life experience). When utilized during inpatient treatment, at least two staff persons shall provide 24 hour observation, monitoring and treatment, one of whom shall meet the professional staff qualifications specified in Section 2060.309(c) of this Part.
- b) Medically Managed

Medically managed detoxification is for adults and adolescents. However, medically managed opioid maintenance therapy shall only be used for adolescents age 16 and 17. When utilized during inpatient treatment, at least two staff persons shall provide 24 hour observation, monitoring and treatment, one of whom shall meet the professional staff qualifications specified in Section 2060.309(c) of this Part. Medically managed detoxification also requires that a physician see the patient daily.

Section 2060.405 Group Treatment

Group treatment shall consist of didactic and counseling groups as follows:

- a) Didactic groups are, but are not limited to, a therapeutic activity whose primary purpose is to educate patients and their significant others on a specific treatment related topic in a group setting. All didactic groups shall be led or supervised by professional staff or by other professionals with credentials specific to the subject matter of

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

the didactic group following a lesson plan approved by the organization. Justification for all patients who attend any didactic group needs to be documented. Didactic groups should not exceed an average of 24 people.

- b) Counseling groups are, but are not limited to, a therapeutic activity whose primary purpose is to allow patients or their significant others an opportunity to process issues related to their treatment in a group setting. Counseling groups can have a specific focus (i.e., women, relapse, cocaine, etc.) but are generally less educational and more process oriented than didactic groups. All counseling groups shall be facilitated by professional staff. Justification for all patients who attend any counseling group needs to be documented as an assessed need. Counseling groups should have an average size of twelve patients but at no time shall exceed 15 patients per group.

Section 2060.407 Patient Education

All organizations shall develop a patient education plan that specifies all patient education that is available at the facility and ensures that all patients are informed about this plan and the mandatory elements of it (as specified in this Section) prior to or during the development of the treatment plan. Patient education may be provided individually or in a group in accordance with the group size specifications contained in Section 2060.405 of this Part. Such education shall be provided to each patient at least once and documented as such in the patient record. Upon subsequent admissions, the need for such education may be determined by the organization. At a minimum, the patient education plan shall include the following:

- a) Information about the benefits and risks of all medications, laboratory tests and treatment protocol, all rules relative to patient conduct, patient rights and all Department rules relative to confidential patient information as referenced in Section 60.312 of this Part.
- b) Initial AIDS risk reduction counseling and education services and tuberculosis information consisting of the following components:
 - 1) Education relative to infectious disease control and HIV/AIDS which shall provide information about the etiology and transmission of HIV infection and associated risk behaviors, symptomatology and clinical progression of HIV infection and AIDS and their relationship to substance abuse behavior, prevention of transmission and risk reduction including information about needle sharing, sexual transmission, transmission to infants, etc.); the availability of counseling and testing services, the confidentiality rights of the patient regarding such counseling, testing and HIV status and relapse prevention.
 - 2) Education relative to infectious disease control and tuberculosis which shall include information about its transmission and prevention, the importance of diagnosis, the requirement for skin testing and the interpretation of skin test results, the

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

importance of x-rays for positive test results and HIV infected persons, the importance of treatment regimens and the basic symptoms associated with tuberculosis.

- c) Upon completion of any mandatory education specified in this Section, documentation shall be placed in the patient record. Such documentation shall specify the type of education received, the date received, and shall be signed by the patient.

Section 2060.409 Recreational Activities

Recreational activities may be provided to patients if they:

- a) are identified in the treatment plan as an assessed need; and
- b) are conducted under the supervision of staff. Recreational activities shall not average more than one-fourth of the treatment services received for any patient in any ASAM level of care.

Section 2060.411 Medical Services

a) Medical Director

- 1) Any organization providing treatment services shall designate a medical director, who is licensed and in good standing to practice medicine in all its branches in Illinois, who shall oversee all medical procedures.
- 2) The medical director may be part-time or serve on a consulting basis and the name and professional license number of the medical director shall be designated on the application for licensure.
- 3) The medical director as well as all medical and nursing staff shall read and comply with this Part.
- 4) The Department shall be notified in writing, within ten calendar days, of any change in medical directors.

b) Medical Screening

- 1) The medical director shall develop and authorize a medical screening form which shall be completed for each patient prior to admission to any treatment service that shall be used, at a minimum, to assess acute intoxication and/or withdrawal potential, biomedical conditions or complications, and emotional/behavioral conditions and complications. As such, the medical screening shall include, but not be limited to, inquiry in the following areas:
 - A) primary complaint per patient;
 - B) date of last physical exam and the name of the patient's primary care physician;
 - C) history of substance use;
 - D) history of past withdrawal symptoms;
 - E) history of concurrent medical symptoms, complications or conditions including sexual activity and risk for pregnancy;
 - F) history of concurrent psychiatric symptoms, complications or conditions including suicide homicide potential;

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

- G) history of recent trauma (including physical/sexual abuse);
H) hospitalizations;
I) medications currently prescribed and any allergies to medications; and
J) infectious or communicable diseases.
- 2) The medical director shall designate the factors in a medical screening, including a determination of the patient's risk for HIV or tuberculosis infection, and the specific medications prescribed or used by a patient that would require physician review or medical referral if such medical screening is not conducted by a physician.
- 3) The purpose of this medical screening is to determine the need for a medical referral for a physical or psychiatric examination. If determined necessary by this medical screening, which may be by phone, facsimile transmission, or in person, it shall occur within 24 hours after admission to Level IV care, within 48 hours after admission to Level III care, and within 72 hours after admission to Levels I and II care.
- 4) A patient shall be referred for medical, surgical, obstetric, prenatal or psychiatric treatment or laboratory services as determined necessary by the medical director or other physician.
- 5) All pregnant women admitted for any type of detoxification shall be subject to physician review as defined in subsection (b)(3) in this Section.
- 6) Any patient under the age of twelve admitted to adolescent treatment shall be subject to physician review as defined in subsection (b)(3) of this Section.
- c) Physical Examinations
- 1) The medical director shall develop protocol and authorize procedures for any physical examination of a patient which shall, at a minimum, specify the professional requirements for any individual who shall conduct such physical examinations under the supervision of the medical director.
- 2) All patients in Level III care, with the exception of those individuals in residential extended care as defined in this Part, shall undergo a physical examination within 72 hours after admission if on prescription medication or pregnant. All other patients in Level III care shall undergo a physical examination within seven days after admission. All patients in Level III care may provide documentation of a physical examination completed within seven calendar days prior to admission and such examination may be accepted by the medical director in lieu of an additional physical examination.
- d) All organizations shall have first aid kits and, when such services are not directly provided, a written agreement with a licensed hospital or medical center for the provision of physical examinations, laboratory tests and emergency medical services and, if applicable, for high risk prenatal care and transportation during emergencies.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

- e) When nursing services are provided, a registered nurse shall plan, assign, supervise and evaluate all nursing care.
- f) Medication dispensary services shall be in accordance with the Medical Practice Act of 1987 [225 ILCS 60]; the Pharmacy Practice Act [225 ILCS 85]; the Illinois Controlled Substances Act [720 ILCS 570]; the Poison Prevention Packaging Act (15 U.S.C. 1471); 16 CFR 1700.14; and rules and regulations of the U.S. Drug Enforcement Administration (21 CFR 1301.71-1301.76, 1304, and 1307.2 (1989)).
- g) The administration or dispensing of patient-owned medications shall comply with the following:
- 1) patients shall surrender all medications on admission;
 - 2) medications brought by patients shall not be administered unless they can be absolutely identified and unless written orders to administer these specific drugs are given by the authorized prescriber and are confirmed in writing in the patient record;
 - 3) self-administration of medication shall be permitted only when specifically ordered by the authorized prescriber;
 - 4) self-administration of medication shall be documented, including the date, time, and dosage of all medications issued;
 - 5) in those cases where patients are unable to self-medicate, medication shall be dispensed or administered only by a practitioner. An exemption from these requirements may be requested provided that an alternate protocol for handling patient-owned medications is submitted and that the protocol is approved by the medical director;
 - 6) any drugs that the patient brings that are not used shall be packaged, sealed, and stored, and, if approved by the authorized prescriber, returned to the patient, family, or significant others at the time of discharge; and
 - 7) medications for minors who are in residence with patients shall be reviewed by the authorized prescriber. Permission to keep medication at bedside in their possession and self-administer to one's dependent minors shall be given by the authorized prescriber.
- h) Opioid Maintenance Therapy
- 1) Any treatment service that uses methadone or LAAM for the treatment of opioid addiction shall comply with the provisions of 21 CFR 201.505 (1995).
 - 2) The social security number for each patient shall be obtained and used in all circumstances requiring patient identification; i.e., medication logs, take-home bottles, exception requests, and general correspondence.
 - 3) Organizations shall obtain prior written approval from the Department for exceptions as referenced in 21 CFR 505 (1995) relative to more than a three day supply of take-home medication and shall utilize the Department's Schedule H when requesting such exceptions. Documentation of each such exception granted or any other exception granted by organization staff shall be

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

maintained in the patient record. Such documentation shall include, but need not be limited to:

- A) the circumstances that made the exception necessary;
 - B) the dates and locations involved and the methadone or LAAM dosage; and
 - C) the name, title and signature of the staff person who granted the exception.
- 4) On the first day of each month a log listing all exceptions granted during the previous month shall be forwarded to the Department. Organizations shall also utilize medication accounting forms supplied by the Department. These forms shall be completed weekly and maintained for inspection by State and Federal inspectors or investigators either on-site or via mail.
- 5) Triplicate medication logs for dispensing methadone or LAAM shall also be used. These logs are provided by the Department and are official prescription forms which shall be signed by the authorized prescriber and forwarded to the Department every week. Computer generated medication logs may be utilized when approved by and compatible with Department data prescription needs.

Section 2060.413 Infectious Disease Control

- a) Licensees shall be in compliance with guidelines issued by the U.S. Centers for Disease Control "Recommendations for Prevention of HIV Transmission in Health Care Settings." MMWR 1987/36 (no.2S) known as "Universal Precautions", and "Update: Universal Precautions for Prevention of Transmission of Human Immunodeficiency Virus, Hepatitis B Virus, and other Bloodborne Pathogens in Health Care Settings." MMWR 1988/37 (no.24), and with the Department of Labor rules for Occupational Exposure to Bloodborne Pathogens, 29 CFR Part 19.10.1030. Tuberculosis Control and Services
- b)
 - 1) Any organization providing treatment services shall have its Medical Director or other designated staff be responsible for developing, reviewing annually and evaluating the effectiveness of a tuberculosis infection control plan based on a tuberculosis risk assessment of the facility following the protocol for conducting a tuberculosis (TB) risk assessment in a health care facility in Guidelines for Preventing the Transmission of Mycobacterium Tuberculosis in Health Care Facilities, MMWR 1994 (no. RR22), hereafter referred to as CDC Guidelines, which should, at a minimum, include:
 - A) a medical screening of each patient for infectious, communicable tuberculosis as required in Section 2060.411(b) of this Part;
 - B) identification of patients at increased risk of being infected with tuberculosis, using a standardized screening tool, and provision of tuberculosis services, either directly or through referral with other public, nonprofit or

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

- C) private entities;
 - 1) procedures for the immediate reporting of patients with, or suspected of having, active, infectious tuberculosis to the local tuberculosis control agency and a process for isolation of such patients from the general population until the patient is determined to be non-infectious. Provision shall be made for respiratory isolation (by linkage with other health care providers and the local tuberculosis control agency) for substance abuse treatment if and when possible and appropriate;
 - 2) procedures for providing prompt and appropriate curative therapy directly by the organization or by referral. Such medical care provided shall be consistent with standards specified by the Centers for Disease Control and Prevention, Treatment of Tuberculosis and Tuberculosis Infection in Adults and Children (American Thoracic Society, Medical Society of the American Lung Association and U.S. Department of Health and Human Services). Am. J. Respir. Crit. Care Med. vol. 149, pp. 1359-1374, 1994;
 - E) procedures (by way of linkage with other health care providers and with the local health department) for isolation of patients who may have active infectious tuberculosis;
 - F) procedures for lessening the risk of environmental transmission within the facility; and
 - G) procedures for meeting State reporting requirements while adhering to confidentiality requirements specified in Section 2060.319 of this Part and in 42 CFR Part 2.
- 2) Employee Skin Testing and Management
- A) Any volunteers who will have direct face-to-face contact with patients and all staff shall have a tuberculin skin test using the Mantoux method (STU, PPD) at hire, annually and as indicated in the CDC Guidelines (or authentic documentation of a skin test within the past three months, or of completion of previous medical treatment of the disease, or of preventive therapy). The test shall be read within 48 to 72 hours by personnel trained in accordance with guidance from the local tuberculosis agency.
 - B) The organization shall establish procedures requiring medical evaluation for personnel with positive skin tests or with signs and symptoms of active tuberculosis disease; requiring preventive therapy for personnel with tuberculosis infection, unless medically contraindicated; and requiring leave and/or restriction from the patient population as necessary in cases of active infectious tuberculosis.
 - C) Staff and volunteers who have an initial negative skin test result and who have not had a documented negative skin test result during the twelve preceding months shall be retested

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

using the Mantoux method within one to three weeks after the initial test. If the second test is positive, the person should be considered previously infected.

- D) Staff and volunteers with negative tests shall be retested at least every twelve months and upon a known or suspected exposure to tuberculosis.

- E) The organization shall document and have available for review by the Department the results of all staff tuberculin testing.

3) Patient Skin Testing and Management

- A) The Medical Director of any organization providing treatment services shall develop a tuberculosis skin testing policy and procedure based on the tuberculosis risk assessment and tuberculosis infection control plan required in Section 2060.413(b)(1) of this Part.

B) Patient Testing

- i) Each organization providing inpatient services (except for residential extended care) and/or providing opioid maintenance therapy shall either directly or through arrangements with other public, nonprofit or private entities, provide each patient with medical tuberculosis screening services including at a minimum a PPD skin test (STU, PPD), placed within 72 hours after admission and read within 48 to 72 hours after placement by personnel trained in accordance with guidance from the local tuberculosis agency. If a patient is known to be immunosuppressed a chest x-ray, energy battery, sputum smear and/or sputum culture/sensitivity study for HIV/AIDS may be used instead of a PPD skin test.

- ii) Patients with prior positive skin tests or diagnoses who have not completed treatment or prevention therapy shall be medically evaluated for symptoms of infectious tuberculosis.

- C) The result of the Mantoux skin test in mm of induration, the date given and the date read shall be recorded in the patient's medical file.

- D) Patients who have a positive reaction of 5 mm or more to the skin test or who have signs and symptoms compatible with tuberculosis disease shall be medically evaluated for tuberculosis or shall be referred for such evaluation. Admission of patients with symptoms of active tuberculosis may be delayed until there is adequate documentation that the person is not infectious.

- E) Organizations shall follow the CDC Guidelines regarding appropriate testing after the initial test (i.e., in determining appropriate retesting, the need for energy testing, testing required upon exposure and additional

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

considerations for interpreting test results). Patients with negative reactions to the initial tuberculin test shall be retested using the Mantoux method (STU PPD) at least annually or after any known exposure to infectious tuberculosis.

- F) Procedures shall be established for providing prompt and appropriate curative and preventive therapy directly by the organization or by referral. Medical care provided shall be consistent with standards specified by the Centers for Disease Control and Prevention, Treatment of Tuberculosis and Tuberculosis Infection in Adults and Children (American Thoracic Society, Medical Society of the American Lung Association and U.S. Department of Health and Human Services). Am. J. Respir. Crit. Care Med. vol. 149, pp. 1359-1374, 1994.

4) Facility Environment-Transmission Prevention

- A) An organization which provides respiratory isolation at a facility shall assure that it has consulted engineers or other professionals with expertise in ventilation engineering to ensure that its facility ventilation systems meet applicable federal, state and local standards.
- B) Persons with suspected or known infectious tuberculosis shall not be allowed to enter living or work areas of a treatment facility. The process for handling persons prior to and while screening for infectious tuberculosis shall be done as to avoid environmental exposure to other patients and staff.

Section 2060.415 Assessment for Patient Placement

- a) An assessment shall be conducted prior to admission to any level of care. This assessment shall be an individual face-to-face service and shall include the following:

- 1) collection of client demographics as referenced in Section 2060.125 of this Part;
- 2) a diagnostic impression of substance abuse and/or dependence as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, Washington, D.C.: American Psychiatric Association (DSM-IV) which shall be confirmed as a diagnosis by a physician. The medical director shall define protocol and authorized procedures (i.e., by telephone, facsimile transmission, etc.) for the confirmation of this diagnosis and patient placement into a level of care which shall occur within 24 hours after admission for Level IV care and within 72 hours after admission for all other levels of care;
- 3) an evaluation of the severity of the six dimensions established in the ASAM Patient Placement Criteria; and
- 4) placement in one of the levels of care as established in the ASAM

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

Patient Placement Criteria.

- b) Prior to admission, or in the case of an intoxicated patient, as soon as stabilization occurs, basic information about treatment services shall also be provided and shall include the following:

- 1) the procedures and treatment services the patient will receive;
- 2) an introduction to the professional staff members who serve as the primary contact with the facility for the client;
- 3) the hours during which services are available;
- 4) the risks, side effects, and benefits of all medications and treatment procedures used, especially those that are experimental;
- 5) the cost, itemized when possible, of services to be rendered;
- 6) any limitations placed on duration of services; and
- 7) the rules and regulations of the facility applicable to the patient's conduct.

- c) A written, dated, and signed informed consent form shall be obtained from the client, or the client's legal guardian, and, from family members who also participate, for use or performance of the following activities:

- 1) experimental medications;
- 2) hazardous or experimental assessment procedures;
- 3) recording on audiovisual equipment;
- 4) participation of the client in research projects; and
- 5) testing for Human Immunodeficiency Virus (HIV).

Section 2060.417 Assessment for Treatment Planning

Upon admission and initial placement in a level of care, the clinical assessment of the patient shall continue in order to develop the treatment plan. Patient needs shall be determined through specific inquiry and analysis in the six dimensions established in the ASAM Patient Placement Criteria and include but not be limited to:

- a) a review of the medical screening, any subsequent physician referrals or charges in the patient's health, including a determination of acute intoxication and/or withdrawal potential, the current substance use or abuse pattern and medication use, and history of prior treatment for substance abuse or dependence and number of relapses, if applicable;
- b) any previous emotional or behavioral problems and treatment and the patient's current emotional and behavioral functioning, including any history of previous or on-going physical, emotional or sexual abuse, in order to detect problems that may be life threatening or indicative of severe personality disorganization or that may seriously affect the patient's progress in treatment;
- c) an analysis of the patient's home and/or living environment including child care needs, religion, childhood, military service history, education and vocational history, financial status, social or peer group, family constellation and history of substance abuse and a determination of the need for participation of any family members or

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

significant others in the patient's treatment, information on pending criminal or misdemeanor charges or any specific conditions of court supervision, probation or parole including any prior substance abuse evaluations conducted in specific reference to an offense of DUI.

Section 2060.419 Treatment Plans

- a) At a minimum, the initial patient treatment plan shall be based on the patient's presenting concerns as evidenced from the biomedical and emotional/behavioral assessment. Such treatment plan shall be developed within 24 hours after admission for any patient in Level IV care, seven calendar days after admission for any patient in Level III or II care, and 14 calendar days after admission for any patient in Level I care.

- b) The initial treatment plan shall be confirmed by the medical director or physician according to established protocol (i.e., in person, by telephone, facsimile transmission, standing order), in accordance with the time frames established in subsection (a) of this Section. Such confirmation shall be documented in the patient record by date and signature of the physician making such confirmation. The treatment plan shall also be signed and dated by the patient, indicating participation in the development of the plan, and by the professional staff member assigned primary responsibility for services to the patient.

- c) The treatment plan shall be written, gender and culturally appropriate and individual to each patient.

- d) The treatment plan shall list problems (e.g., an injury, dysfunction or loss), goals (a statement to guide resolution or reduction of the problem), objectives (observable and measurable signposts on the way to achieving the goals), methods (the treatment services to be provided, the site of those services, the intensity and duration of those services) and a time table for achieving the goals and objectives of treatment that are within the time frame of the patient's expected participation.

- e) The treatment plan shall describe and include the frequency of all activities, referrals and consultations planned for the patient and/or any family members or significant others and shall designate all professional staff members assigned to provide or coordinate referrals for such services. Referrals or consultations for other needed services not directly provided may include, but not be limited to, prenatal care, other medical care, child care services or any other appropriate legal, financial, social or mental health service.

Section 2060.421 Subsequent Patient Placement

- a) Ongoing assessment of the patient's progress shall occur in order to determine continued stay in the level of care in which the patient was placed, the need to move to another level of care or to discharge.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

Such assessment shall also be consistent with criteria from the six dimensions established in the ASAM Patient Placement Criteria. As the patient moves through treatment, progress in these six dimensions shall be assessed continually and recorded in progress notes. At a minimum, the treatment plan and all subsequent progress notes shall be reviewed as follows:

- 1) upon movement to any other level of care based on any change in the level of patient functioning such as completion of treatment plan goals and objectives or identification of new or previously undetected or disclosed patient needs; or
 - 2) every 30 calendar days for patients receiving Level I or residential extended care, every 14 calendar days for patients receiving Level II or III care and every 24 hours for patients receiving Level IV care; or
 - 3) prior to discharge.
- b) Documentation of subsequent patient placement shall:
- 1) be by progress note in the patient record;
 - 2) include the participation of the patient;
 - 3) be initiated and dated by the patient;
 - 4) be initiated and dated by the professional staff member conducting the assessment; and
 - 5) be authorized as evidenced by a progress note in the patient record written and dated by the medical director or a physician working under his or her supervision if:
 - A) there is a change in the level of care; or
 - B) there is a change in any of the first three "ASAM Patient Placement Criteria" dimensions (1-Acute Intoxication and/or Withdrawal Potential, 2-Biomedical Conditions and Complications, 3-Emotional/Behavioral Conditions and Complications).

Section 2060.423 Progress Notes

- a) Progress notes shall reflect patient progress and shall be consistent with the clinical assessment, level of care and expectation of progress. Progress notes shall be entered in the patient record and include the following:
 - 1) documentation of any service (including specific date, time and duration of each service) rendered to the patient, except for HIV counseling and testing, and its relevance to a specific goal or objective in the patient treatment plan;
 - 2) chronological documentation of the patient's progress in treatment;
 - 3) documentation of any change in the patient's behavior; and
 - 4) descriptions of the patient's response to treatments, the outcome of treatment, and the response of significant others to events in the course of treatment.
- b) Progress notes shall be signed and dated in ink by the individual

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

providing the service to the patient and the individual making the entry.

- c) Any entry that includes a subjective interpretation of the patient's progress shall include a description of the actual behavior observed.

Section 2060.425 Discharge

- a) Organizations shall develop discharge and exclusionary criteria consistent with customary clinical standards accepted within the community.
- b) Discharge planning shall begin at admission and shall:
 - 1) be designed to help maintain, support and enhance patient progress in treatment;
 - 2) result in a continuing care plan that identifies recommended activities, support groups and/or referrals that can support and enhance such patient progress;
 - 3) identify specific and measurable patient involvement in such activities in the event that accountability by the patient is required for any case management or monitoring organization (i.e., circuit courts, offices of probation, office of the Illinois Secretary of State, parole officers, employers, etc.); and
- 4) identify all necessary steps to reinstitute treatment services.
- c) After the patient is discharged from all treatment, a discharge summary shall be entered in the patient record within 15 days. This summary shall include:
 - 1) the reason for discharge and the progress of the patient relative to each goal and objective in the treatment plan;
 - 2) a prognostic statement of the patient's condition at discharge including any continued use of prescribed medications; and
 - 3) identification of all referrals and/or activities recommended for the patient, after discharge, that will help maintain, support and enhance progress made in treatment.

SUBPART E: REQUIREMENTS - INTERVENTION LICENSES

Section 2060.501 General Requirements

In addition to the provisions specified in this Subpart, all DUI evaluation, DUI risk education and designated program services shall meet all applicable provisions specified in Subparts A, B, and C of this Part.

Section 2060.503 DUI Evaluation

- a) The purpose of a DUI evaluation is to conduct an initial screening to obtain significant and relevant information from a DUI offender about the nature and extent of the use of alcohol or other drugs in order to:

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

- 1) identify the offender's risk to public safety for the circuit court of venue or the Office of the Secretary of State; and
- 2) recommend an initial intervention to the DUI offender and to the circuit court of venue or the Office of the Secretary of State.
- b) DUI evaluation services shall be provided to any offender under the same terms and conditions regardless of ability to pay.
 - 1) If an offender provides proof of indigence, as determined by Department eligibility requirements, that offender is then eligible for the indigency fee.
 - 2) All reasonable efforts shall be made to collect the indigency fee from the offender prior to completion of the evaluation service. However, if the fee is not collected from the indigent offender by the completion of services, the evaluation shall still be released to the appropriate circuit court of venue or the Office of the Secretary of State in accordance with the provisions specified in this Section.
 - 3) The unassessed cost of the service may be submitted as a claim to the Department for reimbursement from the Drunk and Drugged Driving Prevention Fund (DDDPF). Such claims shall be submitted in accordance with the procedures specified in the Department's most current fiscal year DDPF billing manual.
 - 4) Any organization choosing not to submit such claims shall still provide services to indigent offenders and can only assess the indigency fee for the service.
- c) All evaluations shall consist of a face-to-face individual interview. The evaluation shall be conducted at the facility unless otherwise specified by court rule.
- d) Each DUI offender shall be given a copy of the Department's "Informed Consent" form and a copy of the Department's brochure which explains the DUI evaluation process.
 - 1) This brochure shall be read by or to the offender prior to the provision of the evaluation.
 - 2) The "Informed Consent" specifies that any information provided by the DUI offender will be released to the circuit court of venue, the Office of the Secretary of State and/or the Department and explains that the consent of the offender is not required for this disclosure.
 - 3) The "Informed Consent" also requires the offender to specify where he or she underwent any previous evaluations as a result of the most current DUI offense and to provide a copy of such evaluations, if completed, to the current DUI evaluator.
 - 4) Each DUI offender shall sign the "Informed Consent" form indicating his or her understanding of the DUI evaluation process and disclosure requirements or initial the "Informed Consent" form indicating refusal to proceed with the evaluation. A copy of this form shall be placed in the DUI offender record.
 - 5) If the offender refuses to sign, or refuses to present copies of other evaluations completed, written notice of such refusal shall

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

- be sent to the circuit court of venue or the Office of the Secretary of State and the evaluation will be terminated.
- e) Written policies and procedures shall be established that protect the non-disclosure privilege of DUI offenders which, at a minimum, shall include provisions to ensure that no evaluation information shall be released to any party other than the DUI offender, the Illinois circuit court of venue or its court officials as specified by local court rules, the Office of the Secretary of State or the Department without the written consent of the DUI offender. Any release of information relative to alcohol and drug treatment received by the DUI offender requires the written consent of the offender.
 - f) The evaluation shall be structured and scheduled in order to ensure that, prior to its completion, the following occurs:
 - 1) collection of a comprehensive chronological history of substance use from first use to present including alcohol, prescription and non-prescription drugs, exposure to intoxicating compounds and illegal drugs, that specifies the frequency and patterns of use, type and amount of substance used and any change in the use or abuse pattern and the reason for the change;
 - 2) a determination of the extent to which the substance use has caused marital, family, legal, social, emotional, vocational, physical and/or economic impairment;
 - 3) an analysis of the offender's verbal description of:
 - A) alcohol and drug related legal history, driving history (all offenses), and any related substance use or chemical test results (blood alcohol concentration-BAC) and all substances used that resulted in all arrests including the most recent DUI arrest;
 - B) past history of substance abuse evaluations, alcohol or drug treatment and/or self-help group involvement;
 - C) family history of substance abuse; and
 - D) significant other interview or an explanation concerning the reason why such person was not interviewed.
 - 4) an analysis of:
 - A) objective test results from either the Driver Risk Inventory (DRI) or Mortimer Slikens test;
 - B) the offender's current driving record as documented on the "Alcohol Drug Related Driving Offenses" summary form from the Office of the Secretary of State or a copy of the actual "Court Purposes" driving abstract supplied to the circuit court of venue by the Office of the Secretary of State; and
 - C) the "Law Enforcement Sworn Report" (issued to the offender at the time of the arrest for DUI) which identifies the chemical test result BAC or the refusal to submit to chemical testing relative to the most current DUI arrest.
 - g) All information obtained during the evaluation shall be analyzed and the offender's risk to public safety shall be determined. However, such determination shall be considered an initial finding that may be

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

subject to change when more comprehensive and definitive information is obtained from the offender during participation in any recommended intervention. The determination of risk shall be minimal, moderate, significant, or high as follows:

- 1) Minimal Risk
Such offenders shall have no prior conviction or court ordered supervisions for DUI and no prior statutory summary suspensions and no prior reckless driving conviction reduced from DUI; and a BAC of less than .15 as a result of the arrest for DUI; and no other symptoms of substance abuse or dependence.
- 2) Moderate Risk
Such offenders shall have no prior conviction or court ordered supervision for DUI and no prior statutory summary suspension and no prior reckless driving conviction reduced from DUI; and a BAC of .15 to .19 or a refusal of chemical testing as a result of the most current arrest for DUI; and no other symptoms of substance abuse or dependence.
- 3) Significant Risk
Such offenders shall have one prior conviction or court ordered supervision for DUI or one prior statutory summary suspension or one prior reckless driving conviction reduced from DUI; and/or a BAC of .20 or higher as a result of the most current arrest for DUI; and/or other symptoms of substance abuse.
- 4) High Risk
Such offenders shall have symptoms of substance dependence and/or, within a ten year period from the date of the most current (tnid) arrest, any combination of two prior convictions or court ordered supervisions for DUI or prior statutory summary suspensions or prior reckless driving convictions reduced from DUI.

- h) After the determination of risk, a corresponding intervention shall be recommended. However, such recommendation shall be viewed as the minimum necessary; and, as such, not the determinate intervention. Any subsequent information relevant to the offender's substance use or arrest history discovered during the offender's participation in risk education and/or treatment shall be considered pertinent in formulating a recommendation for further services necessary to reduce the offender's risk to public safety. Initially, the following interventions for each designation of risk shall be selected and recommended:

- 1) Minimal Risk
Successful completion of a minimum of ten hours of DUI risk education as defined in Section 2060.505 of this Part.
- 2) Moderate Risk
Successful completion of a minimum of ten hours of DUI risk education as defined in this Part; a minimum of twelve hours of early intervention provided over a minimum of four weeks with no more than three hours per day in any seven consecutive days;

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

subsequent completion of any and all necessary treatment; active ongoing participation in all activities specified in the discharge plan, if so recommended following completion of the early intervention. This early intervention and any subsequent treatment shall be as specified in the ASAM Patient Placement Criteria and shall be conducted by an organization meeting the requirements specified in subsection (j) of this Section and Section 2060.401 of this Part.

- 3) Significant Risk
Successful completion of a minimum of ten hours of DUI risk education as defined in this Part; a minimum of 20 hours of substance abuse treatment; and upon completion of any and all necessary treatment, active on-going participation in all activities specified in the discharge plan. This treatment shall be as specified in the ASAM Patient Placement Criteria and shall be conducted by an organization meeting the requirements specified in subsection (j) of this Section and Section 2060.401 of this Part.
- 4) High Risk
Successful completion of a minimum of 75 hours of substance abuse treatment; and upon completion of any and all necessary treatment, active on-going participation in all activities specified in the discharge plan. This treatment shall be as specified in the ASAM Patient Placement Criteria and shall be conducted by an organization meeting the requirements specified in subsection (j) of this Section and Section 2060.401 of this Part.
- i) A summary of the DUI evaluation, the assigned risk and the corresponding intervention shall be documented on the Department's "Alcohol and Drug Evaluation Uniform Report", which is produced by the DUI Service Reporting System (DGRS). All sections of this form shall be complete and it shall be signed by the offender at the facility.
- j) Any offender determined to be moderate, significant or high risk shall be referred for substance abuse treatment to organizations licensed pursuant to the Act or to individuals who are otherwise licensed in Illinois or any other state to provide such services. All offenders with a recommended intervention of DUI risk education shall be referred to such services licensed by this Department.
 - 1) Prior to such referrals, each offender shall be shown a resource directory supplied by the Department which specifies all Illinois licensed substance abuse treatment and intervention services unless an alternate process is established by court rule.
 - 2) All DUI offenders shall verify that they have been shown this directory by signing the Department's "Referral List Verification Form".
- k) The evaluation is complete when all of the above referenced information is obtained and the "Alcohol and Drug Evaluation Uniform Report" is signed by the offender.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

- 1) The "Alcohol and Drug Evaluation Uniform Report" shall be provided directly to the circuit court of venue, unless another court repository is specified by court rule. A copy shall also be given to the DUI offender upon completion of payment or as otherwise specified in subsection (b)(2) of this Section.
- 2) If the offender will be requesting a judicial driving permit from the circuit court of venue, an "Alcohol and Drug Evaluation Report Summary" shall also be completed. This form is supplied by the Office of the Secretary of State and required by Section 6-201 of the Illinois Driver Licensing Law [625 ILCS 5/6-201] and should be sent directly to the circuit court of venue, unless another court repository is specified by court rule.
- 1) Evaluations shall be scheduled and completed so that the "Alcohol and Drug Evaluation Uniform Report" can be sent directly to the circuit court of venue at least five calendar days prior to the offender's court date, unless otherwise specified by court rule.
- m) The evaluator shall be available to provide testimony relative to the DUI evaluation when summoned by the circuit court of venue, the Office of the Secretary of State or the DUI offender.
- n) The circuit court of venue or the Office of the Secretary of State, whichever is applicable, shall be notified, within five calendar days, when a DUI offender does not complete an evaluation or refuses to sign the evaluation. Such notification shall also be made, within five calendar days, when an offender does not return to sign the evaluation after 30 calendar days from the last face-to-face contact. Such information shall be communicated using the Department's "Notice of Incomplete Refused DUI Evaluation" form.
- o) In addition to meeting the provisions specified in Section 2060.325 of this Part, the following documents shall also be contained in the DUI offender's record:
 - 1) a copy of the offender's "Alcohol and Drug Evaluation Uniform Report" and narrative information to support the conclusions summarized in this report and a copy of the "Alcohol and Drug Evaluation Report Summary" if the offender requested judicial driving privileges;
 - 2) a copy of the Driver Risk Inventory (DRI) report or Mortimer Filkins test;
 - 3) documentation to support any subsequent change in risk assignment or intervention;
 - 4) a copy of the "Informed Consent Release" form;
 - 5) documentation of the offender's driving record and chemical tests results;
 - 6) a copy of "Notification of Incomplete or Refused Evaluation" form, if applicable; and
 - 7) a copy of the "Referral List Verification" form.

Section 2060.505 DUI Risk Education

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

- a) The purpose of DUI risk education is to provide orientation to offenders regarding the impact of alcohol and other drug use on individual behavior and driving skills and to allow offenders to further explore the personal ramifications of their own substance use and abuse.
- b) DUI risk education services shall be provided to any offender under the same terms and conditions regardless of ability to pay.
 - 1) If an offender provides proof of indigence, as determined by Department eligibility requirements, that offender is then eligible for the indigency fee.
 - 2) All reasonable efforts shall be made to collect the indigency fee from the offender prior to completion of the risk education service. However, if the fee is not collected from the indigent offender by the completion of services, documentation of successful completion of risk education shall still be released to the appropriate circuit court of venue or the Office of the Secretary of State in accordance with the provisions specified in this Section.
 - 3) The unassessed cost of the service may be submitted as a claim to the Department for reimbursement from the Drunk and Drugged Driving Prevention Fund (DDDPF). Such claims shall be submitted in accordance with the procedures specified in the Department's most current fiscal year DDDPF billing manual.
 - 4) Any organization choosing not to submit such claims shall still provide services to indigent offenders and can only assess the indigency fee for the service.
- c) The risk education curriculum shall include:
 - 1) information on alcohol as a drug;
 - 2) physiological and pharmacological effects of alcohol and other drugs including their residual impairment on normal levels of driving performance;
 - 3) other drugs, legal and illegal, and their effects on driving when used separately and/or in combination with alcohol;
 - 4) substance abuse dependence and the effect on individuals and families;
 - 5) blood alcohol concentration (BAC) level and its effect on driving performance;
 - 6) information about Illinois driving under the influence laws and associated penalties;
 - 7) factors that influence the formation of patterns of alcohol and drug abuse; and
 - 8) information about referrals for services that can address any identified problem that may increase the risk for future alcohol/drug related difficulty.
- d) Risk education courses shall include a minimum of ten hours of classroom instruction, divided into at least four sessions held on different days. No session shall exceed three hours in length.
- e) A pre-test and post-test shall be designed and administered to

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

offenders to assess the effectiveness of the service and any increase in knowledge in the curriculum areas. The pre-test and post-test shall be submitted for review by the Department at the time of application for licensure or license renewal.

f) In order to successfully complete risk education, the offender shall attend each session in its entirety and in proper sequence and achieve a score on the post-test of at least 75%.

g) Upon successful completion, a "DUI Risk Education Certificate of Completion" shall be issued to each offender. Such certificate is produced by the DUI Service Reporting System (DSRS). All sections of this form shall be complete and it shall be signed by the DUI Risk Education Instructor.

h) Audio-visual presentations shall not comprise more than 25% of the total class time.

i) No more than 24 participants shall be permitted in any one class session.

j) Written rules shall be developed and provided to each DUI offender upon enrollment, which address the following:

- 1) criteria for admission;
- 2) criteria for disqualification;
- 3) responsibilities of the DUI offender;
- 4) sobriety and drug-free requirements during class; and
- 5) course outline, content and class schedule.

k) Prior to enrollment in risk education classes, the DUI offender shall provide a copy of his or her completed "Alcohol and Drug Evaluation Uniform Report" indicating that risk education has been recommended.

l) The organization that provided the evaluation or, if applicable, treatment service shall be notified in the event that information is discovered or disclosed while the offender is in risk education that indicates the offender was not correctly evaluated and is in need of additional services. Such notification shall also be made to the circuit court of venue or the Office of the Secretary of State, if applicable.

m) The circuit court of venue or the Office of the Secretary of State, whichever is applicable, shall be notified, within five calendar days, when a DUI offender is involuntarily terminated from risk education. This information shall be communicated by using the Department's "Notice of Involuntary Termination from DUI Risk Education" form.

n) Each risk education instructor shall be available to provide testimony relative to the offender's participation in risk education when summoned by the circuit court of venue, the Office of the Secretary of State or the DUI offender.

o) In addition to meeting the provisions specified in Section 2060.325 of this Part, the following documents shall also be contained in the DUI offender's record:

- 1) a copy of the "Alcohol and Drug Evaluation Uniform Report";
- 2) the pre- and post-test specifying percentage scores;
- 3) a copy of the "DUI Risk Education Certificate of Completion";

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

- 4) a copy of "Notice of Involuntary Termination from DUI Risk Education" form, if applicable; and
- 5) a copy of any notification regarding a change in the risk level assignment and intervention.

Section 2060.507 Designated Program

a) The Department shall designate an organization (hereafter referred to as the designated program) to provide assessment and case management services for the Illinois courts. Such services are subject to the exemptions specified in Section 40-5 of the Act and are for any substance abuser who is charged with or convicted of a crime and who may elect treatment as an alternative to incarceration under the supervision of such organization pursuant to the provisions of Article 40 of the Act.

b) The designated program shall provide the services specified in this Section in a uniform manner to districts or circuits of the Illinois courts throughout the State either directly or by subcontract or referral.

c) The designated program shall have a written agreement with the Chief Judge of each circuit court receiving services from the program that identifies such services and specifies how they will be provided in relation to the operation of that specific court.

d) Assessment

1) The designated program shall conduct an assessment, in accordance with the provisions specified in Section 2060.415(a) of this Part, to determine if the offender is likely to be rehabilitated through substance abuse treatment.

2) The designated program shall obtain the offender's informed consent prior to the provision of services.

3) The assessment shall include, at a minimum, collection of demographic data as specified in Section 2060.325(h) of this Part.

A) If it is determined that the offender has had a previous sentence of probation, the designated program shall request a statement from the relevant probation department.

B) This statement shall, at a minimum, summarize the offender's probation record, including, when available, known history of substance use, the identity of any treatment program utilized by the offender and any record of compliance with court ordered conditions.

4) Upon completion of the assessment, the designated program shall make a recommendation to the court relative to the offender's substance use and/or abuse and the likelihood of the offender's rehabilitation through substance abuse treatment.

A) Such notification to the court shall be made to the probation department during the offender's pre-sentence investigation, unless otherwise ordered by the court.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

- B) The designated program shall send written notification to the offender regarding the result of the assessment and its subsequent recommendation.

e) Case Management

- 1) The designated program shall provide case management services which will assist the offender with admission to treatment, assist the court in final dispositions, and assist treatment providers in identifying any special treatment needs the offender may have. At a minimum, such services shall include:

- A) Written notification to the court regarding the offender's initial or subsequent admission to treatment which shall include identification of the treatment program; address and telephone number; the name of the professional treatment staff assigned to the case; the name, address and telephone number of the designated program staff assigned to the case; and the date of the admission to treatment;

- B) Written monthly reports to the court relative to the offender's status in treatment; and

- C) A written report summarizing the offender's treatment and rehabilitation upon discharge from the designated program.

- f) The designated program shall have mutual linkage agreements with any treatment program utilized for referrals that ensures communication and documentation of offender progress in treatment.

- g) The designated program shall identify all criteria that the offender shall meet in order to participate in the program and how such criteria will be used to measure the offender's progress in treatment.

- h) The designated program shall specify the method that will be utilized to intervene with an offender should such offender fail to comply with the program's criteria or those specified in the offender's treatment plan.

- i) The designated program shall conduct all chemical test services in accordance with the provisions specified in Section 2060.413(a) of this Part.

- j) The designated program shall document all court appearances, including any status of violation hearing and all decisions of the court and any subsequent required actions. Procedures shall be established to specify the activities required before, during and after any hearing and the staff responsible for such.

- k) The designated program shall maintain offender records in accordance with the provisions specified in Section 2060.325 of this Part. In addition, each offender record shall include:

- 1) Documentation of the offender's informed consent and any other consent to release information form;
- 2) The document which contains the results of the assessment, including psychological evaluation reports and prior treatment information that determined the offender's substance abuse problem and readiness for treatment;
- 3) A copy of the notification of assessment results and

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

- recommendations to the offender and the court;
- 4) Copies of any other correspondence, court order or record of judicial proceedings related to the assessment or any other case management service;

- 5) Documentation of admission to treatment and a copy of the notification to the court of such admission;
- 6) Documentation of any chemical test results;

- 7) Documentation of all court appearances;

- 8) Written reports from the treatment provider relative to the offender's progress in treatment;

- 9) Copies of any warning letters and/or jeopardy meeting reports;

- 10) Copies of any case conference meeting report; and

- 11) Copies of all documents related to the offender's discharge from the designated program.

1) Offender Discharge

- 1) The designated program shall establish standardized procedures for discharge of the offender from the designated program. Such procedures shall include, at a minimum:

- A) The process for review of offender progress in treatment to determine if a change in status is justified;

- B) The specific instances that would lead to a change in offender status and the procedure to be followed when such determination is made;

- C) The process that will be followed when there is a judicial request to reassess a discharge offender; and

- D) A process to ensure that proper notice is given to the courts and the offender prior to and upon successful or unsuccessful discharge.

- 2) The designated program shall send written reports of successful discharge to the court within ten calendar days after discharge. Such reports shall contain the offender's intended residency, if known, summary of treatment progress, and recommendations for any further treatment.

- 3) The designated program shall send written reports of unsuccessful discharge to the courts within three calendar days after discharge. Such reports shall contain the offender's intended residency, if known, instructions for continued contact between the designated program and the courts, and the specific reasons for the unsuccessful discharge.

Section 2060.509 Recovery Homes

Recovery homes are alcohol and drug free housing components whose rules, peer-led groups, staff activities and/or other structured operations are directed toward maintenance of sobriety for persons in early recovery from substance abuse or who recently have completed substance abuse treatment services or who may be receiving such treatment services at another licensed facility. In order to be called a "recovery home", the home shall:

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

- a) provide a structured alcohol and drug free environment for congregate living that shall offer regularly scheduled peer-led or community gatherings (self-help groups, etc.) that are held a minimum of five days per week;
- b) have written linkage agreements with substance abuse providers in accordance with the provisions specified in Section 2060.329 of this Part;
- c) establish a referral network to be utilized by residents for any necessary medical, mental health, vocational or employment resources;
- d) establish a budget which specifies monthly operating expenses and demonstrates sufficient income to meet these expenses plus emergency reserve by providing documentation of access to a minimum sum equivalent to the total of two months of operating expenses;
- e) comply with all applicable zoning and local building ordinances and the provisions specified in Chapter 20 (Lodging or Rooming Houses) of the National Fire Protection Association's (NFPA) Life Safety Code of 1994 for any building housing 16 or fewer residents and with the provisions specified in Chapter 17 (Existing Hotels and Dormitories) of the NFPA Life Safety Code of 1994 for any building housing 17 or more residents;
- f) maintain fire, hazard, liability and other insurance coverages appropriate to the administration of a recovery home;
- g) employ at least one full-time Recovery Home Operator who is responsible for the daily operations at the recovery home (i.e., fiscal, personnel, rule compliance, etc.) who shall:
 - 1) either:
 - A) hold clinical certification from IAODAPCA or receive such certification within two years after the date of employment; or
 - B) have a minimum of 300 hours of education in the field of substance abuse, 5% of which shall have been under clinical supervision of a professional staff as defined in Section 2060.309 of this Part; and
 - 2) have a minimum of 2000 hours of work experience or 4000 hours of volunteer experience in the field of substance abuse of which 1500 hours shall have been in direct clinical services; and
 - 3) have two years of continuous sobriety; and
 - 4) provide three letters of recommendation from substance abuse professional staff as defined in Section 2060.309 of this Part; and
 - 5) provide a signed and dated acceptance of the Code of Ethics as established by the Illinois Association of Residential Extended Care Programs (IARECP), 891 South Route 53, Addison, Illinois 60101; and
- h) have on-site at least one Recovery Home Manager who oversees all recovery home activities under the direction of the Recovery Home Operator. Recovery Home Managers shall:
 - 1) hold certification as a National Certified Recovery Specialist

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULES

- (NCRS) as specified by the Association of Halfway House Alcoholism Programs of North America, Inc., 680 Stewart Avenue, St. Paul, Minnesota, 66106, or receive such certification within two years after the date after employment; or
- 2) hold certification from IAODAPCA or receive such certification within two years after the date of employment; or
 - 3) have one year of continuous sobriety and 60 hours of substance abuse education and training verified by transcripts, certificates of attendance and/or third party signed statements.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULE

- 1) Heading of the part: Beverage Alcohol Sellers and Servers Education and Training (BASSET) Programs.

- 2) Code Citation: 77 Ill. Adm. Code 2057

- 3) Section Numbers

<u>Section Numbers</u>	<u>Proposed Action</u>
2057.101	New Section
2057.105	New Section
2057.110	New Section
2057.115	New Section
2057.120	New Section
2057.125	New Section
2057.130	New Section
2057.135	New Section
2057.140	New Section
2057.145	New Section
2057.150	New Section
2057.155	New Section
2057.160	New Section
2057.165	New Section
2057.170	New Section

- 4) Statutory Authority: Implementing the Alcoholism and Other Drug Dependency Act [20 ILCS 301].

- 5) Description of the Subjects and Issues Involved: This new rule incorporates all licensing regulations for Beverage Alcohol Sellers and Servers Education and Training (BASSET) programs previously contained in Part 2056 (under repeal). The only change contained in these regulations is the elimination of mandatory attendance for all instructors at an orientation provided by the Department of Alcoholism and Substance Abuse (DASA).

- 6) Will this proposed rule replace a rule currently in effect? No

- 7) Does this proposed rulemaking contain an automatic repeal date? No

- 8) Does this proposed rule contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of statewide policy objectives: It is not anticipated that these proposed rules will necessitate any local government to establish, expand or modify its activities in such a way as to cause additional expenditures from local revenues.

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit comments to:

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULE

Norma J. Seibert
Administrator
Division of Licensing & Monitoring
Department of Alcoholism and Substance Abuse
222 S. College, 2nd Floor
Springfield, IL 62704
(217) 782-6086

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

- 12) Initial regulatory flexibility analysis:

A) Types of small business, small municipalities and not-for-profit organizations affected: Any business that provides BASSET programs. Some examples of this type of business are liquor license holders (taverns, restaurants, etc.), alcohol distributors, or training organizations.

B) Reporting, bookkeeping and other procedures required for compliance: Semi-annual, manual reporting of service statistics.

C) Types of professional skills necessary for compliance: None

- 13) Regulatory agenda on which this rulemaking was summarized: July 1995

The full text of the Proposed Rule begins on the next page.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULE

TITLE 77: PUBLIC HEALTH
CHAPTER X: DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE
SUBCHAPTER d: LICENSURE

PART 2057

BEVERAGE ALCOHOL SELLERS AND SERVERS EDUCATION
AND TRAINING (BASSET) PROGRAMS

Section

2057.101 Programs Subject to Licensure

2057.105 Purpose of BASSET

2057.110 License Applications

2057.115 Renewal Applications

2057.120 License Fees

2057.125 Period of Licensure

2057.130 Acceptance for Processing

2057.135 Non-Transferability of License

2057.140 Change in BASSET Program Director or Services

2057.145 Exceptions for BASSET Programs

2057.150 Compliance With Local Government Ordinances

2057.155 BASSET Curriculum Requirements

2057.160 BASSET Programmatic Requirements

2057.165 BASSET Program Fee

2057.170 Sanctions

AUTHORITY: Implementing and authorized by the Alcoholism and Other Drug
Dependency Act [20 ILCS 301].

SOURCE: Adopted at 20 Ill. Reg. _____, effective _____.

Section 2057.101 Programs Subject to Licensure

Programs designed to educate or train individuals who sell or serve alcoholic
beverages at retail pursuant to Section 15-110(f) of the Illinois Alcoholism
and Other Drug Abuse and Dependency Act [20 ILCS 301/15-110(f)].

Section 2057.105 Purpose of BASSET

The purpose of a BASSET program is:

- a) to provide information to sellers and servers of alcoholic beverages
about the effects of alcohol and drug use and abuse; and
- b) to provide the necessary skill development techniques to identify
and/or intervene with patron use problems thereby reducing the
incidence of patron misuse.

Section 2057.110 License Applications

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULE

- a) Application forms may be obtained by writing to the Department of
Alcoholism and Substance Abuse, 222 South College Street, 2nd Floor,
Springfield, Illinois 62704, Attention: Division of Licensing and
Monitoring.
- b) Application forms shall be signed and dated.

Section 2057.115 Renewal Applications

- a) The Department shall provide each licensed program with a renewal
application at least 60 calendar days prior to expiration of the
license. Notification to the Department must be given if license
renewal forms are not received.
- b) Applications for renewal must be received by the Department not less
than 30 days prior to expiration of the license, in order to guarantee
that the renewal process is complete prior to expiration.
- c) Applications for renewal shall be signed and dated.

Section 2057.120 License Fees

- a) Application fees shall be due on application for each license.
Application fees are not refundable. Payment shall be made by check
or money order made payable to the Department of Alcoholism and
Substance Abuse. Payment shall not be in the form of U.S. currency,
foreign currency, or stamps. A separate check or money order shall be
submitted for each application.
- b) Fees
 - 1) The fee for application for a license is \$200.00.
 - 2) The fee for application for renewal of a license is \$200.00.
 - 3) No application fee shall be required of any unit of local, State
or federal government.

Section 2057.125 Period of Licensure

Each license issued by the Department shall be effective for a period of three
years.

Section 2057.130 Acceptance for Processing

- a) Applications for licensure, or renewal of licensure, are deemed
received by the Department on the postmarked date.
- b) Incomplete applications shall be returned to the applicant with a
statement which lists the information which must be included. To
avoid imposition of a new licensure fee, the application shall be
resubmitted within 90 days after the date of the statement.

Section 2057.135 Non-Transferability of License

A license shall be valid only for the program named in the application for

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULE

licensure. A license is not transferable or assignable to any new owner.

Section 2057.140 Change in BASSET Program Director or Services

All programs shall notify the Department, in writing, within five working days when there is a new program director or any change in services.

Section 2057.145 Exceptions for BASSET Programs

- a) Requests for exceptions to any provision of this Part shall be made in writing to the Director and shall indicate the basis, rationale, and/or need for the exception.
- b) Any exception granted shall expire automatically at the end of the license period in which it was granted.
- c) The Department shall revoke any exception granted where the circumstances which give rise to the exception no longer exist. The program shall notify the Department in writing within ten calendar days when the circumstances which gave rise to the exception no longer exist.

Section 2057.150 Compliance With Local Government Ordinances

Programs shall comply with any applicable local government ordinances relative to the provision of BASSET services, if applicable, and shall indicate such compliance at the time of application for licensure.

Section 2057.155 BASSET Curriculum Requirements

The program shall submit its curriculum to the Department for review at the time of application for licensure. The curriculum shall include, at a minimum, information in the following areas of instruction:

- a) AREA 1: PHYSICAL EFFECTS OF ALCOHOL, DRUGS & ALCOHOLISM - Blood alcohol concentration (BAC), alcoholism, the effects of alcohol and/or drugs on driving performance. BAC levels related to body weight, gender and amount of alcohol consumed per hour.
- b) AREA 2: PREVENTION & INTERVENTION TECHNIQUES - Maintenance of professional demeanor, use of alternative beverages, designated driver programs, visual and behavioral cues that may help participants recognize potential problems, assuring customer safety, refusal of service.
- c) AREA 3: ILLINOIS STATE STATUTES, LOCAL ORDINANCES, ILLINOIS DUI LAWS - Laws pertaining to the sale of alcohol and the differences between civil and criminal charges and the penalties each carries, Illinois DUI laws and associated penalties.
- d) AREA 4: PROPER IDENTIFICATION TECHNIQUES, POLICE POLICIES & EXPECTATIONS - Secretary of State's procedures to ensure security of driver's licenses and State ID cards, other acceptable forms of identification and enhanced identification techniques. Proper use of

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED RULE

- e) municipal support services (police, fire, and paramedic services).
- f) AREA 5: DRAM SHOP LIABILITIES, INSURANCE, AND VICTIM'S RIGHTS - "Vicarious Liability", "third party liability", procedures for protection against possible litigation, State insurance requirements and legal terms used in litigation.

Section 2057.160 BASSET Programmatic Requirements

- a) The BASSET program shall include a minimum of six hours of classroom instruction. This instruction may be offered in one entire session or scheduled in increments over a specified period of time.
- b) At the time of application for licensure, the program must specify how the required curriculum hours will be scheduled.
- c) BASSET programs shall design and administer a pre-test and post-test to participants to assess the program's effectiveness and any increase in knowledge in the curriculum areas. The pre-test and post-test must be submitted for review by the Department at the time of application for licensure or prior to the provision of services.
- d) BASSET programs shall issue a certificate to each participant that it determines has successfully completed the course.
- e) BASSET programs shall submit at the time of licensing a listing of all BASSET instructors.
- f) BASSET programs shall compile and submit, on a format designed by the Department, a semi-annual report containing the following information:
 - 1) The number of participants trained during the reporting period.
 - 2) The number of BASSET courses scheduled and completed during the reporting period and the location of each course.
 - 3) The total fees charged for BASSET training per course during the reporting period.
 - 4) The number of businesses represented by participants completing BASSET programs and the respective counties of those businesses.
- g) BASSET programs shall maintain a record of all participants who successfully complete BASSET training for a minimum of one year.

Section 2057.165 BASSET Program Fee

Programs shall submit, at the time of application or renewal of licensure, a fee schedule indicating the cost, if any, of the BASSET program. The program must notify the Department within five calendar days of any change to the fee schedule.

Section 2057.170 Sanctions

The Department shall issue written notice to any program that it determines to be in non-compliance with any provision specified in this Part. Such notice and any resulting sanction shall be in accordance with the provisions specified in 77 Ill. Adm. Code 2060, Sections 2060.339 and 2060.341.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE
NOTICE OF PROPOSED REPEALER

- 2056.603 Repealed
- 2056.605 Repealed
- 2056.607 Repealed
- 2056.610 Repealed
- 2056.620 Repealed
- 2056.625 Repealed
- 2056.630 Repealed
- 2056.635 Repealed
- 2056.640 Repealed
- 2056.645 Repealed
- 2056.650 Repealed
- 2056.655 Repealed
- 2056.660 Repealed
- 2056.700 Repealed
- 2056.705 Repealed
- 2056.710 Repealed

- 4) Statutory Authority: Implementing the Illinois Vehicle Code [625 ILCS 5] and the Alcoholism and Other Drug Dependency Act [20 ILCS 301].
- 5) Description of the Subjects and Issues Involved: All provisions of this rule are being repealed as they have been revised and merged with substance abuse treatment licensure rules in a new proposed rule, Part 2060.

- 6) Will this proposed rule replace a rule currently in effect? No
- 7) Does this proposed rule making contain an automatic repeal date? N/A
- 8) Does this proposed rule contain incorporations by reference? N/A
- 9) Are there any other proposed amendments pending on this part? N/A
- 10) Statement of statewide policy objectives: N/A
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit comments to:

Norma J. Seibert
Administrator
Division of Licensing & Monitoring
Department of Alcoholism & Substance Abuse
222 S. College, 2nd Floor
Springfield, IL 62704
(217) 782-0686

All written comments received within 45 days of this issue of the Illinois Register will be considered.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE
NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Driving Under the Influence Programs

- 2) Code Citation: 77 Ill. Adm. Code 2056

- | Section Numbers: | Proposed Action: |
|------------------|------------------|
| 2056.1 | Repealed |
| 2056.5 | Repealed |
| 2056.10 | Repealed |
| 2056.15 | Repealed |
| 2056.20 | Repealed |
| 2056.25 | Repealed |
| 2056.30 | Repealed |
| 2056.35 | Repealed |
| 2056.40 | Repealed |
| 2056.45 | Repealed |
| 2056.50 | Repealed |
| 2056.55 | Repealed |
| 2056.60 | Repealed |
| 2056.61 | Repealed |
| 2056.75 | Repealed |
| 2056.200 | Repealed |
| 2056.205 | Repealed |
| 2056.210 | Repealed |
| 2056.215 | Repealed |
| 2056.220 | Repealed |
| 2056.225 | Repealed |
| 2056.300 | Repealed |
| 2056.301 | Repealed |
| 2056.303 | Repealed |
| 2056.305 | Repealed |
| 2056.310 | Repealed |
| 2056.315 | Repealed |
| 2056.320 | Repealed |
| 2056.325 | Repealed |
| 2056.330 | Repealed |
| 2056.400 | Repealed |
| 2056.405 | Repealed |
| 2056.410 | Repealed |
| 2056.415 | Repealed |
| 2056.420 | Repealed |
| 2056.500 | Repealed |
| 2056.505 | Repealed |
| 2056.510 | Repealed |
| 2056.515 | Repealed |
| 2056.520 | Repealed |
| 2056.525 | Repealed |
| 2056.600 | Repealed |
| 2056.601 | Repealed |

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

- 12) Initial regulatory flexibility analysis: N/A
- 13) Regulatory agenda on which this rulemaking was summarized: July 1995

The full text of the Proposed Repealer begins on the next page.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

- TITLE 77: PUBLIC HEALTH
- CHAPTER X: DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE
- SUBCHAPTER d: LICENSES

PART 2056

DRIVING UNDER THE INFLUENCE PROGRAMS (REPEALED)

SUBPART A: GENERAL PROVISIONS

Section	
2056.1	Definitions
2056.5	Programs Subject to License
2056.10	Non-Transferability of License
2056.15	Proof of License
2056.20	Change in Authorized Program Representative/Program Services/Program Location
2056.25	Zoning and Physical Plant Requirements
2056.30	Emergency Services Plan
2056.35	Exceptions for Evaluation and Remedial Education Programs
2056.40	Compliance with Court Rules
2056.45	Program Service Termination/Records Disposal
2056.50	Operations Manual
2056.55	Referral Procedures
2056.60	Service Fees
2056.61	Indigent Services and the Drunk and Drugged Driving Prevention Fund
2056.65	Informed Consent (Renumbered)
2056.70	Non-Disclosure Privilege (Renumbered)
2056.75	Sanctions

SUBPART B: LICENSE FEES, APPLICATIONS, RENEWALS

Section	
2056.200	Application Forms
2056.205	Renewal Application Forms
2056.210	Application Fees
2056.215	Period of License
2056.220	Acceptance for Processing
2056.225	Verification of Application Information

SUBPART C: EVALUATION PROGRAMS

Section	
2056.300	Purpose of Evaluation
2056.301	Informed Consent
2056.303	Non-Disclosure Privilege
2056.305	Evaluation Requirements
2056.310	Evaluation Classifications
2056.315	Evaluation Recommendations

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

2056.320 Qualifications and Training of Evaluators
2056.325 Alcohol and Drug Evaluation Uniform Report
2056.330 Evaluation Programmatic Requirements

SUBPART D: REMEDIAL EDUCATION PROGRAMS

Section
2056.400 Purpose of Remedial Education
2056.405 Remedial Educational Curriculum Requirements
2056.410 Remedial Education Course Requirements
2056.415 Qualifications and Training of Remedial Education Instructors
2056.420 Remedial Education Programmatic Requirements

SUBPART E: EVALUATIONS AND REMEDIAL EDUCATION/RECORDS AND REPORTS

Section
2056.500 Defendant Records (Evaluation)
2056.505 Defendant Records (Remedial Education)
2056.510 Program Records (Repealed)
2056.515 Personnel Records
2056.520 Records Security
2056.525 DUI Service Reporting System (DSRS)

SUBPART F: BEVERAGE ALCOHOL SELLERS AND SERVERS EDUCATION AND TRAINING (BASSET) PROGRAMS

Section
2056.600 Purpose of BASSET
2056.601 License Applications
2056.603 Renewal Applications
2056.605 BASSET Curriculum Requirements
2056.607 License Fees
2056.610 BASSET Programmatic Requirements
2056.615 BASSET Recordkeeping/Reports (Repealed)
2056.620 Period of Licensure
2056.625 Acceptance for Processing
2056.630 Non-Transferability of License
2056.635 Change in BASSET Program Director or Services
2056.640 Exceptions for BASSET Programs
2056.645 Compliance with Local Government Ordinances
2056.650 BASSET Program Fee
2056.655 Sanctions
2056.660 BASSET Instructor Training

SUBPART G: COMPLAINTS/INSPECTIONS/INVESTIGATIONS

Section
2056.700 Complaints

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

2056.705 Inspections
2056.710 Investigations

APPENDIX A Qualification For DUI Services as an Indigent

AUTHORITY: Implementing and authorized by the Illinois Vehicle Code [625 ILCS 5] and by Section 2-101(1)(a) and (b) and (2)(a) and (b) of the Illinois Alcoholism and Other Drug Dependency Act [20 ILCS 305/2-101(1)(a) and (b) and (2)(a) and (b)].

SOURCE: Emergency rules adopted at 10 Ill. Reg. 521, effective January 1, 1986, for a maximum of 150 days; adopted at 10 Ill. Reg. 13207, effective July 28, 1986; Part repealed, new Part adopted at 12 Ill. Reg. 11138, effective June 21, 1988; amended at 13 Ill. Reg. 7274, effective April 28, 1989; amended at 16 Ill. Reg. 15917, effective November 1, 1992; expedited correction at 17 Ill. Reg. 19982, effective November 1, 1992; repealed at 20 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 2056.1 Definitions

"Aftercare Services Plan" means a written plan, developed by the treatment program, to support a defendant's progress after successful completion of treatment. It is developed to offer the defendant continued assistance and activities designed to support or enhance goals achieved in treatment. Plans should specify scheduled or unscheduled contact, including self-help group involvement, if necessary, and the plan should be designed so that such services should occur at specified intervals over a minimum of at least six (6) months.

"Alcohol and Drug Evaluation Report Summary" means the form required for purposes of granting judicial driving privileges, as defined in Section 6-206 of the Illinois Driver Licensing Law. (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-206).

"Alcohol and Drug Evaluation Uniform Report" means the form mandated by the Department for purposes of reporting the evaluation summary to the circuit court of venue or the Office of the Secretary of State.

"Authorized Program Representative" means the individual designated by the program to act on its behalf with regard to the provision of DUI services.

"BASSET" means Beverage Alcohol Sellers and Servers Education and Training program.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

"BASSET Program Director" means the individual designated to act on behalf of the program with regard to the provision of BASSET services.

"Chemical Test(s)" means the blood alcohol concentration (BAC) and/or drug concentration resulting from a breath, blood or urine test.

"Department" means the Department of Alcoholism and Substance Abuse.

"Director" means the Director of the Department of Alcoholism and Substance Abuse.

"Drunk and Drugged Driving Prevention Fund" means a special fund in the State Treasury created by Section 4-102 of the Illinois Alcoholism and Other Drug Dependency Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6351-1 et seq.) out of which the Department may reimburse licensed DUI evaluation and remedial education programs that provide services to indigent DUI defendants pursuant to this Part, and which it may also use to enhance and support its regulatory inspections and investigations.

"DUI" means driving while under the influence of alcohol, other drugs or combination thereof as defined in Section 11-501 of the Illinois Vehicle Title & Registration Law (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 11-501) or a similar provision of a local ordinance.

"DUI defendant" means anyone arrested for driving under the influence of alcohol, other drug, or a combination thereof as defined in Section 11-501 of the Illinois Vehicle Title & Registration Law. (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 11-501) or a similar provision of a local ordinance

"DUI Service Reporting System (DSRS)" means the computer software that must be utilized by all licensed programs to summarize evaluation and remedial education service statistics semi-annually and to produce the "Alcohol and Drug Evaluation Uniform Report", the "DUI Remedial Education Certificate of Completion" and all other forms utilized to claim reimbursement from the Drunk and Drugged Driving Prevention Fund.

"Evaluation" means the professional evaluation to determine the nature and extent of the use of alcohol or other drugs as required by Section 5-4-1 of the Unified Code of Corrections (Ill. Rev. Stat. 1991, ch. 38, par. 1005-4-1) and Section 6-206.1 of the Illinois Driver Licensing Law (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-206).

"Evaluator" means the person qualified in accordance with Section 2056.320.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

"Indigency Fee" means 10% of the rate established by the Department for the evaluation or remedial education service.

"Indigent DUI defendant" means anyone who has proven inability to pay the full cost of the DUI evaluation or remedial education as determined through criteria established by the program in conjunction with Department criteria specified in Section 2056.61 and whose uncollected costs for DUI services provided may be reimbursed to the program from the Drunk and Drugged Driving Prevention Fund.

"Inspection" means the act of conducting interviews, record reviews, and physical observations by the Department at a program to assess compliance with Federal and State rules and regulations.

"Instructor" means the person qualified in accordance with Section 2056.415.

"Level I - Minimal Risk" means the classification resulting from an alcohol and drug evaluation assigned to a DUI defendant who has no prior convictions or court ordered supervision for DUI, and no prior statutory summary suspensions and no prior reckless driving convictions reduced from a DUI; and a blood alcohol concentration (BAC) as a result of the arrest for DUI of less than .15, and no other symptoms of substance abuse or dependence.

"Level II - Moderate Risk" means the classification resulting from an alcohol and drug evaluation assigned to a DUI defendant who has no prior conviction or court ordered supervision for DUI, and no prior statutory summary suspension and no prior reckless driving conviction reduced from a DUI; and a blood alcohol concentration (BAC) of .15 to .19 or a refusal of chemical testing as a result of the arrest for DUI and no other symptoms of substance abuse or dependence.

"Level III - Significant Risk" means the classification resulting from an alcohol and drug evaluation assigned to a DUI defendant who has one prior conviction or a court ordered supervision for DUI, or one prior statutory summary suspension or one prior reckless driving conviction reduced from a DUI and/or a blood alcohol concentration (BAC) of .20 or higher as a result of the most current arrest for DUI and/or other symptoms of substance abuse.

"Level III - High Risk" means the classification resulting from an alcohol and drug evaluation assigned to a DUI defendant with symptoms of substance dependence and/or two prior convictions or court ordered supervisions for DUI or two prior statutory summary suspensions or two prior reckless driving convictions reduced from a DUI within the ten year period prior to the date of the most current (third) arrest.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

"Program" means any individual, government or governmental subdivision or agency, corporation, partnership or other business entity acting individually or as a group which is licensed to operate one or more services.

"Risk" means the specific level (minimal, moderate, significant, or high) assigned to a DUI defendant which describes the defendant's probability of continuing to operate a motor vehicle in an unsafe manner. This level assignment is based upon the following factors:

the nature and extent of the defendant's substance use;
chemical testing results;
prior dispositions for DUI, prior statutory summary suspension(s) or prior reckless driving conviction(s) reduced from a DUI;
and other factors which include any other physical, emotional and/or social dysfunction arising from substance use or dependence.

"Server" shall refer to an individual who is responsible for the management of, control of, or service to the patrons of an establishment which sells or serves alcoholic beverages at retail.

"Service means: DUI evaluation; DUI remedial education; or BASSTT.

"Substance Abuse" means a maladaptive pattern of psychoactive substance use indicated by at least one of the following:

continued use despite knowledge of having a persistent or recurrent social, occupational, psychological or physical problem that is caused or exacerbated by use of the psychoactive substance;

recurrent use in situations in which use is physically hazardous (e.g., driving while intoxicated);

some symptoms of the disturbance have persisted for at least one month, or have occurred repeatedly over a longer period of time and there have never been any symptoms of substance dependence (Diagnostic and Statistical Manual of Mental Disorders, DSM-III-R, The Press Syndicate of the University of Cambridge, The Pit Building, Trumpington Street, Cambridge, Massachusetts, CS2 IRP, 1987, with no subsequent revisions or amendments).

"Substance Dependence" means a pattern of use that meets at least three of the following criteria:

substance often taken in larger amounts or over a longer period than the person intended;
persistent desire or one or more unsuccessful efforts to cut down or control substance use;
a great deal of time spent in activities necessary to get the substance (e.g., theft), taking the substance (e.g., binge drinking), or recovering from its effects;

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

frequent intoxication or withdrawal symptoms when expected to fulfill major role obligations at work, school, or home (e.g., does not go to work because hung over, goes to school or work "high," intoxicated while taking care of his or her children), or when substance use is physically hazardous (e.g., drives when intoxicated);

important social, occupational, or recreational activities given up or reduced because of substance use;

continued substance use despite knowledge of having a persistent or recurrent social, psychological, or physical problem that is caused or exacerbated by the use of the substance (e.g., keeps using alcohol despite family arguments about it, cocaine-induced depression, or having an ulcer made worse by drinking);

marked tolerance: need for markedly increased amounts of the substance (i.e., at least a 50% increase) in order to achieve intoxication or desired effect, or markedly diminished effect with continued use of the same amount;

Note: the following items may not apply to cannabis, hallucinogens, or phenylcyclidine (PCP):

characteristic withdrawal symptoms;

substance often taken to relieve or avoid withdrawal symptoms;

some symptoms of the disturbance have persisted for at least one month, or have occurred repeatedly over a longer period of time (DSM-III-R, 1987, with no subsequent revisions or amendments).

"Treatment" means a continuum of activities or services provided to persons addicted to or abusing alcohol or other drugs. Services or activities include intake, assessment, treatment planning, individual, group and/or family counseling, and discharge planning. Treatment shall occur in a program licensed to provide services pursuant to the Illinois Alcoholism and Other Drug Dependency Act or under the direction of individuals or programs who are otherwise licensed in Illinois to provide such services.

(Source: Expedited correction at 17 Ill. Reg. 19982, effective November 1, 1993)

Section 2056.5 Programs Subject to Licensure

a) The programs which provide services pursuant to Section 2-101(1)(a) and (b) and (2)(a) and (b) of the Illinois Alcoholism and Other Drug Dependency Act, (the Act), (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6352-1 (1)(a) and (b) and (2)(a) and (b)) are subject to licensure by the Department under this Part:

1) Programs which conduct professional evaluations of DUI defendants to determine substance abuse or dependence at the corresponding risk level.

2) Programs providing remedial education courses to DUI defendants.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

3) Programs designed to educate or train employees who sell or serve alcoholic beverages at retail (BASSETT). However, only those rules specified in Subpart F apply to BASSETT programming.

b) In addition, separate licensure shall be required for each DUI evaluation or remedial education service in each location.

c) Programs shall post the days and hours of operation at each location where any DUI evaluation or remedial education services are provided. This information shall be readily visible at all times to those seeking services.

(Source: Expedited correction at 17 Ill. Reg. 19982, effective November 1, 1992)

Section 2056.10 Non-Transferability of License

A license shall be valid only for the premises and program named in the application for such license. A license is not transferable or assignable to any new owner.

Section 2056.15 Proof of Licensure

a) The license issued by the Department shall contain the name and address of the program, license number, authorized service and expiration date.

b) The program shall, in a location providing visibility to any recipient of service(s), display the license at the program site.

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)

Section 2056.20 Change in Authorized Program Representative/Program Services/Program Location

All programs shall notify the Department, in writing, within five working days when there is a new authorized program representative or any change in services or if the program relocates.

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)

Section 2056.25 Zoning and Physical Plant Requirements

At the time of application for licensure or license renewal, all programs providing DUI services shall submit documentation from the responsible unit of city or local government that the program site is in compliance with local zoning requirements and all facilities shall comply with the physical plant requirements specified in 77 Ill. Adm. Code 2058, Subpart F, Section 2058.600 and 2058.610.

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

Section 2056.30 Emergency Services Plan

DUI evaluation and remedial education programs shall prepare and submit to the Department at the time of application for licensure a plan, including specific service agreement(s), to provide for the emergency provision of DUI services in the event of unforeseen interruption of services to DUI defendants who have begun the evaluation or remedial education process.

Section 2056.35 Exceptions for Evaluation and Remedial Education Programs

a) Requests for exceptions to any provision of these rules shall be made to the Director in writing, and shall indicate the basis, rationale, or need for the exception.

1) An exception shall be granted in cases in which the Director finds:

A) The provision from which the exception is granted is not statutorily mandated;

B) no party shall be injured by the granting of the exception, e.g., competitively disadvantaged or a reduction in the quality of the program; and

C) the rule from which the exception is granted would, in the particular case, be unreasonable or unnecessarily burdensome, e.g. inaccessibility to services as a result of a language barrier or veteran's benefits.

2) All exceptions shall expire automatically at the end of the license period in which they were granted.

b) The Department shall revoke any exception granted where the circumstances which gave rise to the exception no longer exist. The program shall notify the Department in writing ten (10) working days when the circumstances which gave rise to the exception no longer exist.

Section 2056.40 Compliance with Court Rules

Programs shall comply with applicable rules promulgated by the Illinois circuit court of venue.

Section 2056.45 Program Service Termination/Records Disposal

A program shall notify the Department at least 30 days prior to termination of any DUI service and shall provide the following:

a) documentation of the location and storage of DUI defendant and program records for a period of at least five years;

b) a plan for the referral of DUI defendants currently receiving services at the time of program termination.

Section 2056.50 Operations Manual

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

DUI evaluation and remedial education programs shall prepare and submit to the Department at the time of application for licensure or license renewal, a written operations manual which describes the structure and practical application of each DUI service and all current policies and procedures. All DUI staff members shall annually review the operations manual. Documentation of such review shall be maintained in the personnel file of each individual staff member.

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)

Section 2056.55 Referral Procedures

- a) Programs which provide evaluations to DUI defendants shall recommend referral of those individuals determined to be Level II or III to programs licensed pursuant to the Illinois Alcoholism and Other Drug Dependency Act or to individuals or programs who are otherwise licensed in Illinois or any other state to provide such services.
- b) After a recommendation for treatment, each defendant (Level II or III) shall be shown a directory which includes all Illinois licensed alcohol and drug treatment programs.
- c) Remedial education referrals for defendants classified as Level I or II shall be to a remedial education program licensed by the Department pursuant to Subpart D.
- d) After a recommendation for remedial education each defendant shall be shown the statewide directory of licensed DUI remedial education programs compiled by the Department.
- e) After the appropriate directory referenced in subsections (b) and (d) has been shown, all DUI defendants shall attest to the fact that they have been shown this directory by signing the Department's "Referral List Verification Form".

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)

Section 2056.60 Service Fees

- a) Programs providing DUI evaluations and remedial education shall establish a fee policy. This fee policy shall include a schedule of charges for evaluations, remedial education, evaluation updates, presentation of court or hearing testimony and photocopying of evaluation or remedial education records. This fee policy shall also specify when full payment is expected. This fee policy must be presented to the defendant prior to any provision of services.
- b) After a review of the fee policy by the defendant, the program shall provide to each defendant a written fee schedule indicating the fee and any payment terms. A copy of this schedule, signed by the defendant, shall be given to the defendant and maintained in the defendant's record.
- c) Programs must notify the Department, within five working days, of any

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

change to their fee policy.

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)

Section 2056.61 Indigent Services and the Drunk and Drugged Driving Prevention Fund

- a) All programs shall provide alcohol and drug evaluation and remedial education services to DUI defendants determined to be indigent. Such services shall be provided on the same terms and conditions as required under this Part, regardless of ability to pay. In order for a DUI defendant to be determined indigent, and thereby qualify for the indigency fee, the defendant must provide documentation relative to dependents and income (as verified by the most recently filed Federal or State Income Tax Return). If the defendant was claimed as a dependent on a tax return filed by someone other than the defendant (as is frequently the case with many full-time students) a copy of that return must also be provided by the defendant and considered as income. If there has been any change to the defendant's income or dependent status since the last filing or if the defendant has never filed a tax return, the defendant must provide a notarized document attesting to current status.
 - b) Once the defendant supplies proof of dependent and income status, the program must then complete the "Qualification for DUI Services as an Indigent" form for each type of service requested. A copy of the "Qualification for DUI Services as an Indigent" form and the Federal or State Income Tax Return and/or any other notarized documentation shall be maintained in the DUI defendant's record.
 - c) Based upon the information supplied by the defendant and documented on the "Qualification for DUI Services as an Indigent" Form and any other verifying documentation, the program shall determine if the defendant qualifies for the indigency fee.
 - d) In all cases the indigency fee shall be 10% of the rate established by the Department for the service.
 - e) Programs shall make all reasonable efforts to collect the indigency fee from the defendant prior to completion of the evaluation or remedial education service. However, if the fee is not collected from the indigent defendant by the completion of services, the evaluation or proof of remedial education documents must be released to the appropriate circuit court of venue in accordance with the provisions specified in 2056.330(b). The unassessed cost of the service can then be billed to the Department under the terms specified in subsections (f) through (k) below.
 - f) Any licensed DUI evaluation or remedial education program that is in compliance with this Part can submit claims to the Department for reimbursement from the Drunk and Drugged Driving Prevention Fund for services provided to indigent DUI defendants.
- Such programs may be reimbursed from the Drunk and Drugged Driving

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

Prevention Fund for the unassessed cost of providing services to DUI defendants who qualify for the indigency fee as specified in subsections (a) through (b), providing that the "Qualification for DUI Services as an Indigent" form is completed and the appropriate verifying documentation is obtained.

Any program choosing not to submit claims to the Department for reimbursement from the Drunk and Drugged Driving Prevention Fund for services provided to DUI defendants who qualify for the indigency fee as specified in subsections (a) through (b) must still provide services to those defendants and can only assess them the indigency fee as specified in subsection (d).

g) Services shall be reimbursed as follows:

1) DUI evaluations shall be limited to one completed evaluation per defendant per DUI arrest. For billing purposes, the unit of service shall be a completed evaluation. The evaluation service shall be considered complete when the "Alcohol and Drug Evaluation Uniform Report" is completed by the program and is ready for the defendant's signature. If the defendant refuses to accept or sign the "Alcohol and Drug Evaluation Uniform Report", the service is still considered complete for billing purposes.

2) DUI remedial education courses shall be limited to one completed course per defendant per DUI arrest. For billing purposes the unit of service shall be one completed course. The remedial education course shall be considered complete when the defendant has successfully completed the course as specified in Section 2056.410. A program which offers a remedial education course in connection with the required hours of alcohol and drug treatment pursuant to Section 2056.410(a) shall not be eligible to receive reimbursement for such remedial education course from the Drunk and Drugged Driving Prevention Fund, if the program uses any public monies to provide any or all of said hours of alcohol and drug treatment.

h) The amount which the Department will reimburse programs from the Drunk and Drugged Driving Prevention Fund for each service shall be 3% of a cost-based rate established by the Department annually for the service, or the program's usual and customary fee for the service minus 1% of the Department's rate (the indigency fee), whichever is less.

i) Programs shall make all reasonable efforts to collect the indigency fee from indigent DUI defendants in accordance with the provisions specified in subsection (e). However, the Department's payment (pursuant to subsection 1) plus 1% of the rate collected from the defendant shall be considered full payment and collection efforts shall cease unless a specific exception to this provision has been granted by the Department or if the provision specified in subsection (k)(3) below is applicable. Programs shall maintain in the defendant's record any and all records of attempted collection from indigent DUI defendants (or third parties) for whom payment has been

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

sought, and shall allow the Department to inspect such records.

j) The Department shall conduct post billing audits of defendant eligibility and financial status. Department audits may be conducted on a random basis to survey program compliance with this Part or in response to complaints. If such audit reveals that the program has billed for an ineligible defendant or a defendant has paid more than 10% of the Department's rate for the service (the indigency fee), the Department shall submit a demand for repayment showing why payment was improper. If repayment is not made within 15 days, the Department may begin procedures for sanctions under Section 3-105 of the Act unless the program has proven that the payment or collection procedures were proper.

The Department shall conduct audits of indigent DUI defendant records for whom reimbursement was sought to determine if the services claimed for reimbursement were provided. Department audits may be conducted on a random basis to survey program compliance with this Part or in response to complaints. If services were not provided, the Department shall submit a demand for repayment showing why payment was improper. If repayment is not made within 15 days, the Department may begin procedures for sanctions under Section 3-105 of the Act unless the program has proven that payment was proper.

k) Programs shall submit billings to the Department on the "Monthly Invoice Summary" and "Report of Evaluation/Remedial Education Service to Indigent DUI Defendant" forms. These forms will be produced by the DUI Service Reporting System (DSRS). The following process must be adhered to:

1) Billings must be submitted to the Department on a monthly basis within thirty (30) days after the end of the month in which the services were completed.

2) Services to the indigent DUI defendant must be complete prior to billing. Billing for partial or incomplete services is not allowed.

3) Reimbursement shall be subject to availability of money in the Drunk and Drugged Driving Prevention Fund. If it appears that billings will exceed revenues, the Department may, upon reasonable notice to participating programs, give priority to reimbursement for evaluation services. The Department may, if required, give thirty (30) days notice to participating programs that reimbursement will be discontinued. If this discontinuation occurs, programs must then only meet the requirements specified in 2056.60.

4) Should two bills be submitted for the same service for the same DUI defendant for the same episode, the first date of service alone shall be reimbursed.

(Source: Expedited correction at 17 Ill. Reg. 19982, effective November 1, 1992)

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

Section 2056.75 Sanctions

- a) The Department may issue a written warning, place on probation, suspend, revoke, refuse to issue, or refuse to renew licenses. In addition, the Department may discontinue a program from participation in Drunk and Drugged Driving Prevention Fund reimbursement and may require repayment of money improperly paid out of the Fund. Opportunity for a hearing shall be granted in any instance other than when a written warning is issued. The Department may impose one or more of the sanctions listed above in any instance in which the program has:
- 1) failed to comply with any provision of the Act;
 - 2) failed to comply with any provision of this Part or other applicable Parts;
 - 3) falsified any information required to be submitted to the Department pursuant to this Part;
 - 4) permitted staff members, who are not qualified pursuant to Sections 2056.320 or 2056.415, to perform DUI services;
 - 5) failed to comply with any law or ordinance, after the program has been found guilty of the violation by the entity with subject matter jurisdiction over the alleged offense;
 - 6) failed to provide reports to any Illinois circuit court in a timely manner, as prescribed by the rules of the court of venue;
 - 7) been found to have been or be in violation of local zoning or fire code requirements;
 - 8) failed to comply with a Departmental request for information within 30 days;
 - 9) interfered with or obstructed a Department compliance inspection or Department investigation, i.e., failed to sign the inspection notice or failed to provide information requested by the investigator or inspector;
 - 10) collected for services covered by the DUI Fund from both the defendant or a third party and the Department beyond what is allowed in Section 2056.61;
 - 11) refused to repay money which has been found to have been paid improperly from the Drunk and Drugged Driving Prevention Fund after reasonable opportunity to repay has been given by the Department upon demand showing why payment was improper. Repayment shall not preclude the imposition of other appropriate sanctions;
 - 12) violated any contractual agreement with the Department.
- b) The sanction provisions as set forth in 77 Ill. Adm. Code 2058.905 are applicable to licensees under this Part.
- c) Hearings pursuant to this Section are governed by 77 Ill. Adm. Code 2058.900.
- d) In determining the type and severity of sanctions to be pursued by the Department, the Department shall employ the following standards:
- 1) degree with which licensee's conduct resulted in economic benefit

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

to the licensee:

- 2) relative severity of licensee's conduct (as determined by the severity of associated criminal offenses for the same prescribed conduct);
- 3) licensee's past history of violations or compliance with the Act and provisions of this Part;
- 4) lack of mental element (as defined in Sections 4-4 through 4-7 of the Criminal Code of 1961 (Ill. Rev. Stat. 1991, ch. 38, pars. 4-4 through 4-7)) in the act constituting the licensee's offense;
- 5) degree with which DUI program's services for DUI program defendants was affected or jeopardized by licensee's conduct;
- 6) any other relevant factor to be examined in mitigation or aggravation of the licensee's conduct with respect to the severity of sanction sought by the Department.

(Source: Expedited correction at 17 Ill. Reg. 19982, effective November 1, 1992)

SUBPART B: LICENSE FEES/APPLICATIONS/RENEWALS

Section 2056.200 Application Form

- a) Licensure application forms
Application forms may be obtained by writing to the Department of Alcoholism and Substance Abuse, 222 South College Street, 2nd Floor, Springfield, Illinois, 62704, Attention: DUI Section.
- b) Application forms shall be signed and dated by the authorized program representative.
- c) All other forms mentioned in this Part will be included in the application package.

Section 2056.205 Renewal Application Forms

- a) The Department shall provide each licensed program with a renewal application at least 60 days prior to expiration of the license. Notification to the Department must be given if license renewal forms are not received.
- b) Applications for renewal must be received by the Department not less than 30 days prior to expiration of the license, in order to guarantee that the renewal process is complete prior to expiration.
- c) Applications for renewal shall be signed and dated by the authorized program representative.

Section 2056.210 Application Fees

- a) Application fees shall be due on application for each license pursuant to Section 2056.5. Application fees are not refundable. Payment shall be made by check or money order payable to the Department of

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

Alcoholism and Substance Abuse. Payment shall not be in the form of U.S. currency, foreign currency, or stamps. A separate check or money order shall be submitted for each application.

b) Fees

- 1) The fee for application for a license is \$200.00.
- 2) The fee for application for renewal of a license is \$200.00.
- 3) Program relocation will require the submission of a relocation application and the payment of a \$200.00 relocation fee.
- 4) No application fee shall be required of any unit of local, State or Federal government.

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)

Section 2056.215 Period of Licensure

Each license issued by the Department shall be effective for a period of two years. Thereafter, licenses shall be issued on the same two year cycle.

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)

Section 2056.220 Acceptance for Processing

- a) Applicants requesting licensure for more than one service may submit all applications in a single package, however each application shall be complete and may not refer to any other application for required information.
- b) Applications for licensure, or renewal of licensure are deemed received by the Department on the postmarked date.
- c) Incomplete applications shall be returned to the applicant with a statement which lists the information which must be included. To avoid imposition of a new licensure fee, the application shall be resubmitted within 30 days of the date of the statement.

Section 2056.225 Verification of Application Information

- a) The Department may verify the data furnished by a program in any application for licensure. Submission of an application carries implied consent to permit inquiry into the data furnished in any instance when an examination of submitted information discloses an anomaly or disparity in the information in comparison to other data submitted by other programs.
- b) The Department may investigate the background of staff members as required to assure that these individuals satisfy the licensing standards indicated in Subparts C and D, in any instance when an examination of submitted information discloses an anomaly or disparity in the information in comparison to other data submitted by other programs.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)

SUBPART C: EVALUATION PROGRAMS

Section 2056.300 Purpose of Evaluation

The purpose of a DUI evaluation is:

- a) To obtain significant and relevant information in order to determine the nature and extent of the use of alcohol or other drugs, and
- b) To select an appropriate recommendation for the DUI defendant to the circuit court of venue or the Office of the Secretary of State, and
- c) To identify a DUI defendant's level of risk to public safety for the court of venue or the Office of the Secretary of State.

(Source: Amended at 13 Ill. Reg. 7274, effective April 28, 1989)

Section 2056.301 Informed Consent

Each DUI defendant shall be given a copy of the Department's "Informed Consent" form and a copy of the Department's information brochure, explaining the alcohol and drug evaluation process, which must be read by the defendant prior to the provision of any evaluation service. The "Informed Consent" specifies that the program will release any information provided by the DUI defendant to the circuit court of venue or the Office of the Secretary of State and explains that the consent of the defendant is not required for this disclosure. The "Informed Consent" also requires the defendant to specify the name of the program where he/she underwent any previous evaluations as a result of the most current DUI offense and to provide a copy of such evaluations, if completed, to the current DUI evaluator. Each DUI defendant must sign the "Informed Consent" form indicating his/her understanding of the DUI evaluation process and disclosure requirements or initial the "Informed Consent" form indicating refusal to proceed with the evaluation. A copy of this form shall be placed in the DUI defendant's file. If the defendant refuses to sign, or refuses to present copies of other evaluations completed, notice of such refusal shall be sent to the circuit court of venue or the Office of the Secretary of State on the Department's "Notice of Incomplete/Refused Evaluation" form and the evaluation will be terminated.

(Source: Renumbered from 2056.65; expedited correction at 17 Ill. Reg. 19982, effective November 1, 1992)

Section 2056.303 Non-Disclosure Privilege

- a) Each DUI evaluation program shall establish written policies and procedures that protect the non-disclosure privilege of DUI defendants

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

The program shall collect the DUI defendant's name, address, phone number, sex, race, date of birth, age, driver's license number, social security number, marital status, education completed, employment status, qualified indigent status, county of residence and county of arrest.

- b) Alcohol/Drug Use or Abuse History
An interview format shall be utilized to collect the following information:
 - 1) Chronological history of the frequency, type and amount of alcohol/drug use or abuse.
 - 2) Any change in the alcohol/drug use or abuse pattern and the reason for this change.
 - 3) The extent to which the alcohol/drug use or abuse pattern has caused impairment in the following areas: marital, family, legal, social, emotional, vocational, physical and economic.
 - 4) Defendant's description of driving history, specifically as it relates to alcohol/drug related offenses and chemical test results (BAC).
 - 5) All prescribed and over-the-counter medications used currently or at the time of the most recent DUI arrest.
 - 6) Prior history of alcohol or drug treatment and/or self-help group involvement.
 - 7) Family history of alcohol or drug abuse.

- c) Objective Test
The Mortimer/Filkins Test or the Driver Risk Inventory test (DRI) shall be administered to every DUI defendant. A copy of the test shall be maintained in every DUI defendant's file and the score and/or classification from this test shall be recorded on the Department's "Alcohol and Drug Evaluation Uniform Report."
- d) External Criteria
The DUI defendant must provide the following before an evaluation can be completed:
 - 1) Documentation of the defendant's driving record as indicated on a driving abstract or a summary of the driving abstract from the Office of the Secretary of State.
 - 2) A copy of the "law enforcement sworn report" (the document issued to the defendant at the time of the arrest for DUI) identifying the chemical test result (BAC) or the refusal to submit to chemical testing relative to the most current DUI arrest.

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)

Section 2056.310 Evaluation Classifications

The information obtained during the evaluation shall be reviewed and summarized on the "Alcohol and Drug Evaluation Uniform Report" in accordance with provisions specified in Section 2056.325. The defendant shall be classified in one of the following levels: Level I - Minimal Risk; Level II - Moderate or

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

as specified in subsection (e).

- b) When all programmatic requirements have been met and the program deems the evaluation complete, the DUI evaluation program shall furnish a copy of the completed "Alcohol and Drug Evaluation Report Summary" form required by Section 6-206 of the Illinois Driver Licensing Law (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-206) for the purpose of granting judicial driving privileges to the circuit court of venue and any of its court officials, including the probation department, as specified by local court rules. The release of the evaluation form specified in Section 6-206.1 of the Illinois Driver Licensing Law must be in accordance with subsection (e).

- c) When all programmatic requirements have been met and the program deems the evaluation complete, the DUI evaluation program shall also furnish a copy of the completed "Alcohol and Drug Evaluation Uniform Report" directly to the circuit court of venue, unless another court repository is specified by local court rules. If requested, a copy shall also be given to the DUI defendant. When an evaluation is being conducted for the Office of the Secretary of State, a copy of the completed "Alcohol and Drug Evaluation Uniform Report" shall be given to the DUI defendant to take directly to the informal or formal driver's license hearing.

- d) Notification of incomplete or refused evaluations shall be made as specified in Section 2056.330(d).

- e) No evaluation information shall be released to any party other than the DUI defendant, the Illinois circuit court of venue or its court officials as specified by local court rules, the Office of the Secretary of State or to the Department without the written consent of the DUI defendant.

- f) Any release of information relative to alcohol and drug treatment received by the DUI defendant requires the written consent of the defendant pursuant to 42 CFR 2 (1989, with no later amendments or editions).

(Source: Renumbered from 2056.70; expedited correction at 17 Ill. Reg. 19982, effective November 1, 1992)

Section 2056.305 Evaluation Requirements

The evaluation program must design a format and structure to obtain all of the information required in this Section. This format must be submitted for review by the Department at the time of application for licensure or licensure renewal. The format must specify how many appointments are necessary to complete the evaluation and the approximate length of time (number of hours) necessary for the program to complete the evaluation service, delineating the amount of time spent directly with the defendant and that necessary to complete all paperwork. The format must also be designed to ensure collection of the following information:

- a) Demographic Information

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

Significant Risk; Level III - High Risk.

a) Level I - Minimal Risk

Defendants classified at this level must have:

- 1) no prior conviction or court ordered supervisions for DUI and no prior statutory summary suspension(s) and no prior reckless driving conviction reduced from DUI; and
- 2) a blood alcohol concentration (BAC) of less than .15 as a result of the arrest for DUI; and
- 3) no other symptoms of substance abuse or dependence.

b) Level II - Moderate or Significant Risk

1) Moderate Risk

Defendants classified at this level must have:

- A) no prior conviction or court ordered supervision for DUI and no prior statutory summary suspension and no prior reckless driving conviction reduced from DUI; and
- B) a blood alcohol concentration (BAC) of .15 to .19 or a refusal of chemical testing as a result of the most current arrest for DUI; and
- C) no other symptoms of substance abuse or dependence.

2) Significant Risk

Defendants classified at this level must have:

- A) one prior conviction or court ordered supervision for DUI or one prior statutory summary suspension or one prior reckless driving conviction reduced from DUI; and/or
- B) a blood alcohol concentration (BAC) of .20 or higher as a result of the most current arrest for DUI; and/or
- C) other symptoms of substance abuse.

c) Level III - High Risk

Defendants classified at this level must have:

- 1) symptoms of substance dependence; and/or
- 2) two prior convictions or court ordered supervisions for DUI or two prior statutory summary suspensions or two prior reckless driving convictions reduced from DUI within a ten year period from the date of the most current (third) arrest.

(Source: Expedited correction at 17 Ill. Reg. 19982, effective November 1, 1992)

Section 2056.315 Evaluation Recommendations

After a classification has been determined, a recommendation for intervention shall be selected in accordance with the criteria specified below:

a) Level I - Minimal Risk

Completion of a minimum of ten hours of alcohol and drug remedial education.

b) Level II - Moderate Risk

- 1) Completion of a minimum of ten hours of remedial education and of twelve hours of substance abuse or patient treatment (group or

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

individual).

2) Level II - Significant Risk

Completion of a minimum of ten hours of alcohol and drug remedial education and of twenty hours of substance abuse outpatient treatment (group or individual) followed by an aftercare plan.

c) Level III - High Risk

- 1) For defendants with identified symptoms of dependence:

A) Completion of an intensive outpatient or outpatient substance abuse treatment program (minimum of 75 hours) followed by an aftercare plan; or

B) Completion of a residential or inpatient substance abuse treatment program followed by an aftercare plan.

- 2) For defendants without identified symptoms of dependence but with two prior convictions or court ordered supervisions for DUI:

Completion of an outpatient program (minimum of 75 hours) followed by an aftercare plan. The program must include further assessment and counseling designed to identify and change the disorder causing the high risk behavior. This assessment and counseling can include, but is not limited to, referrals for psychological testing, physical examinations and other appropriate mental health services designed to identify and reduce or eliminate the incidence of the high risk behavior.

(Source: Expedited correction at 17 Ill. Reg. 19982, effective November 1, 1992)

Section 2056.320 Qualifications and Training of Evaluators

a) Staff members shall have no record of court supervision or conviction for DUI for at least a two year period prior to employment or have been convicted of bribery, perjury, or official misconduct pursuant to Section 33-3 of the Criminal Code of 1961 for a ten year period prior to employment.

b) Individuals who conduct alcohol and drug evaluations pursuant to Section 2-101(1)(a) and (b) and (2)(a) and (b) of the Act, shall meet at least one of the following criteria:

- 1) three years of directly supervised work experience in alcohol/drug evaluation or treatment for a minimum of 30 hours per week, or
- 2) graduation from an accredited four year college or university with a degree in social or health sciences and one year of directly supervised work experience in alcohol/drug evaluation or treatment for a minimum of 30 hours per week, or
- 3) graduation from an accredited university with a postgraduate degree in social or in health science, and licensure by the Illinois Department of Professional Regulation as a physician pursuant to the Medical Practice Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 4100-1 et seq.), a social worker pursuant to

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

the Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1991, ch. 111, par. 6301 et seq.), or a psychologist pursuant to the Clinical Psychologist Licensing Act (Ill. Rev. Stat. 1991, ch. 111, par. 5301 et seq.).

- c) All qualified evaluators must attend one complete Basic DUI Orientation Training Session offered or approved by the Department during the first year of employment or as otherwise required by the Department as a result of changes in the rules or for violations of the rules. Additionally, all qualified evaluators must complete the Department's "DUI Self-Study Manual" during the first month of employment and attend an additional 12 hours of substance abuse training annually. Documentation of this training shall be maintained in the program's personnel records.

(Source: Expedited correction at 17 Ill. Reg. 19982, effective November 1, 1992)

Section 2056.325 Alcohol and Drug Evaluation Uniform Report

A summary of the DUI evaluation must be documented on the Department's "Alcohol and Drug Evaluation Uniform Report", which is produced by the DUI Service Reporting System (DSRS). The DSRS must be utilized to produce the "Alcohol and Drug Evaluation Uniform Report" and all sections of this form must be completed and it must be signed by the defendant prior to disposition. Disposition of this form shall meet requirements specified in Section 2056.303(c) and 2056.330(b).

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)

Section 2056.330 Evaluation Programmatic Requirements

- a) Evaluator Qualifications

It is the responsibility of each program to ensure that all evaluators meet the requirements outlined in Section 2056.320 and of this Section. Prior to the provision of any DUI evaluation service, the authorized program representative shall submit, to the Department, a resume and a completed "Evaluator/Instructor Qualification" form for each staff member who will be providing services. This form attests that the evaluator meets the requirements specified in Section 2056.320 (a through b). After review and approval by the Department, a copy of the form will be returned to the program for inclusion in the personnel file for each staff member.

- b) Time requirements for submission of the evaluation form
- Programs shall schedule and complete evaluations so that the completed "Alcohol and Drug Evaluation Report Summary" and the "Alcohol and Drug Evaluation Uniform Report" can be furnished to the circuit court of venue, and the DUI defendant at least five working days prior to the court date, unless an earlier date is required by court rules.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

- c) Court or hearing appearances
- The evaluator shall be available to provide testimony when summoned by the circuit court of venue, the Office of the Secretary of State, or the DUI defendant.

- d) Incomplete evaluations
- Programs shall require the DUI defendant to sign the "Alcohol and Drug Evaluation Uniform Report" before the report is sent to the circuit court of venue or given to the defendant. Evaluation programs shall notify the circuit court of venue or the Office of the Secretary of State, Department of Administrative Hearings within five working days, when DUI defendants fail to complete an evaluation or refuse to sign the evaluation. A DUI defendant will be considered as failure to obtain complete the evaluation process in instances such as failure to obtain the evaluation from the program, or not finishing the evaluation process. The evaluation program shall communicate this information by using the Department's "Notice of Incomplete/Refused DUI Evaluation" form.

- e) Evaluation location
- All evaluations shall consist of a face to face individual interview. The evaluations must be conducted on the premises of the licensed program or a satellite unless otherwise specified by the circuit court of venue.

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)

SUBPART D: REMEDIAL EDUCATION PROGRAMS

Section 2056.400 Purpose of Remedial Education

The purpose of DUI remedial education is to provide information on how alcohol and drugs affect behavior and the physical skills necessary to operate a motor vehicle.

Section 2056.405 Remedial Educational Curriculum Requirements

The remedial education curriculum shall include:

- a) information on alcohol as a drug;
- b) physiological and pharmacological effects of alcohol and other drugs including their residual impairment on normal levels of driving performance;
- c) other drugs, legal and illegal, and their effects on driving when used separately and/or in combination with alcohol;
- d) substance abuse, dependence and the effect on individuals and families;
- e) blood alcohol concentration (BAC) level and its effect on driving performance;
- f) information about Illinois driving under the influence laws and associated penalties.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)

Section 2056.410 Remedial Education Course Requirements

- a) Remedial education courses shall include a minimum of ten hours of classroom instruction, divided into at least four sessions held on different days. No session shall exceed three hours in length. However, the ten hours of remedial education required for defendants classified as Level II - Moderate or Significant Risk may be offered as a combined program with the required hours of alcohol and drug treatment. Programs offering this type of service must be at least 22 hours in length for Moderate Risk and 30 hours in length for Significant Risk and meet the treatment licensure requirements specified in Section 2056.55(a). Programs must also provide a specific curriculum for this type of programming, which incorporates the requirements in this Section and 2056.405, to the Department at the time of application for licensure, and if already licensed, prior to the provision of services.
- b) Remedial education programs shall design a pre test and post test and administer it to participants to assess the program's effectiveness and any increase in knowledge in the curriculum areas. The pre test and post test must be submitted for review by the Department at the time of application for licensure or license renewal.
- c) In order to successfully complete remedial education, defendants shall:
 - 1) attend each session in its entirety and in proper sequence;
 - 2) achieve a score on the post test of at least 75%.

Upon successful completion of the remedial education course, the program must issue to each defendant a "DUI Remedial Education Certificate of Completion", which is produced by the DUI Service Reporting System (DSRS). The DSRS must be utilized to produce the "DUI Remedial Education Certificate of Completion", all sections of this form must be completed and it must be signed by the DUI Remedial Education instructor.

- d) Audio-visual presentations shall not comprise more than 25% of the total class time.
- e) Class size shall be in conformance with local fire and safety codes, and in no event shall more than 24 students be permitted in any one class session.
- f) Remedial education programs shall develop and provide to each DUI defendant, upon enrollment, written procedures governing the following:
 - 1) criteria for admission into the program;
 - 2) criteria for disqualification from the program;
 - 3) responsibilities of DUI defendants;
 - 4) sobriety and drug-free requirements during class;
 - 5) course outline, content, costs and class schedules;
 - 6) written notification to the evaluation program when it is

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

discovered that the defendant needs treatment or a modification to the current treatment recommendation.

(Source: Expedited correction at 17 Ill. Reg. 19982, effective November 1, 1992)

Section 2056.415 Qualifications and Training of Remedial Education Instructors

- a) Staff members shall have no record of court supervision or conviction for DUI for at least a two year period prior to employment or have been convicted of bribery, perjury, or official misconduct pursuant to Section 33-3 of the Criminal Code of 1961 for a ten year period prior to employment.
- b) Each instructor shall:
 - 1) Possess a baccalaureate degree in education or certification as a teacher by the Illinois State Board of Education; or
 - 2) Have been employed for a period of at least one year in the provision of substance abuse treatment or education services for a minimum of thirty (30) hours per week.
- c) All qualified instructors must attend one Basic DUI Orientation Training Session offered or approved by the Department during the first six months of employment or as otherwise required by the Department as a result of changes in the rules or for violations of the rules. Additionally, all qualified instructors must complete the Department's DUI Self-Study Manual during the first month of employment and obtain an additional twelve hours of substance abuse training annually. Documentation of this training shall be maintained in the program's personnel records.

(Source: Expedited correction at 17 Ill. Reg. 19982, effective November 1, 1992)

Section 2056.420 Remedial Education Programmatic Requirements

- a) Instructor Qualifications

It is the responsibility of each program to ensure that all DUI remedial education instructors meet the requirements of Section 2056.415 and of this Section. Prior to the provision of any DUI remedial education service, the authorized program representative shall submit, to the Department, a resume and a completed "Evaluator/Instructor Qualification" form for each staff member who will be providing such services. This form attests that the instructor meets the requirements specified in Section 2056.415 (a) through b). After review and approval by the Department, a copy of the form will be returned to the program for inclusion in the personnel file for each staff member.

- b) Involuntary Termination
- DUI Remedial education programs shall notify the circuit court of

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

NOTICE OF PROPOSED REPEALER

venue within five working days of defendants who have involuntarily terminated from a remedial education course. Programs shall communicate this information by using the Department's "Notice of Involuntary Termination from a DUI Remedial Education Program" (IL-409-0166).

qualified for the indigency fee:
j) a written schedule of the determined fee, signed by the defendant, for the evaluation and any payment terms.

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)

c) Court or Hearing Appearance
The instructor shall be available to provide testimony when summoned by the circuit court of venue, the Office of the Secretary of State or the DUI defendant.

Section 2056.505 Defendant Records (Remedial Education)

d) Prior to enrollment in remedial education classes, the DUI defendant must provide a copy of his or her completed "Alcohol and Drug Evaluation Uniform Report" form indicating that this service has been recommended. If remedial education classes are provided, a copy of this "Alcohol and Drug Evaluation Uniform Report" form must then be maintained in the defendant's record.

The following documents for each DUI defendant shall be maintained for a minimum of five years and shall be available for inspection by the Department. The record shall contain, but is not limited to:

- a) a copy of the "Alcohol and Drug Evaluation Uniform Report" form;
- b) pre and post tests in percentage scores;
- c) a copy of the "DUI Remedial Education Certificate of Completion" issued;
- d) a copy of "Notice of Involuntary Termination from a Remedial Education Program" form (IL-409-0166), if the defendant has been involuntarily terminated from the program;
- e) a copy of the "Qualification for DUI Services as an Indigent" form and a copy of the most recently filed Federal or State Income Tax Return or any other notarized document attesting to any change in status, as defined in Section 2056.61 (a through b), if the DUI defendant has qualified for the indigency fee;
- f) a written schedule of the determined fee, signed by the defendant, for remedial education and any payment terms.

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)

SUBPART E: EVALUATIONS AND REMEDIAL EDUCATION/RECORDS AND REPORTS

Section 2056.500 Defendant Records (Evaluation)

The following documents for each DUI defendant shall be maintained for a minimum of five years, shall be filed and available for inspection by the Department. The record shall contain, but is not limited to:

- a) a copy of the Department's "Alcohol and Drug Evaluation Uniform Report" and narrative information to support the summary data collected relative to Section 2056.305(b), and a copy of the "Alcohol and Drug Evaluation Report Summary" if the defendant is requesting judicial driving privileges or if required by Court rule;
- b) a copy of the scored Mortimer/Filkins Test, or the Driver Risk Inventory (DRI) report and copies of any other objective tests administered;
- c) copies of any changes or amendments to the original evaluation;
- d) a copy of the "Informed Consent Release" form and, if the defendant has previously undergone or is undergoing treatment, any consent to release treatment information;
- e) a copy or summary of the defendant's driving record and chemical test(s) result(s);
- f) a copy of "Notification of Incomplete or Refused Evaluation" form, if the DUI defendant refuses or does not complete the evaluation process;
- g) a copy of the "Referral List Verification" form;
- h) copies of any other external corroborative information obtained such as police arrest reports and discharge summaries;
- i) a copy of the "Qualification for DUI Services as an Indigent" form and a copy of the most recently filed Federal or State Income Tax Return or any other notarized document attesting to any change in status, as defined in Section 2056.61 (a through b), if the DUI defendant has

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)

Section 2056.510 Program Records (Repealed)

(Source: Repealed at 16 Ill. Reg. 15917, effective November 1, 1992)

Section 2056.515 Personnel Records

The following documents shall be contained in each personnel record and be maintained for a minimum of five years and shall be available for inspection by the Department:

- a) a copy of the "Schedule X - Staff Member Information and Qualifications" (IL-409-0171);
- b) a copy of the "Schedule E - Authorization for Verification" (IL-409-0168);
- c) a copy of the "Affidavit of Compliance" (IL-409-0180);
- d) a copy of the application for employment;
- e) documentation of education and experience, i.e., a resume;
- f) documentation of employment history, i.e., a resume;
- g) documentation of training required under Sections 2056.320(c) and 2056.415(d), i.e., certificates of training.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

(Source: Expedited correction at 17 Ill. Reg. 19982, effective November 1, 1992)

Section 2056.520 Records Security

Records retained by a program which contain DUI defendant information shall be stored in a locked container to preclude unauthorized access.

Section 2056.525 DUI Service Reporting System (DSRS)

a) All programs must utilize the DUI Service Reporting System (DSRS) to summarize evaluation and remedial education services and to produce the following forms:

- 1) "Alcohol and Drug Evaluation Uniform Report"
- 2) "Qualification for DUI Services as an Indigent"
- 3) "Report of Evaluation, Remedial Education Service to Indigent DUI Defendant"
- 4) "Monthly Invoice Summary"
- 5) "DUI Remedial Education Certificate of Completion"
- q) On a semi-annual basis, DUI program shall prepare and submit the Department's DUI Service Reporting System (DSRS) computer disk summarizing statistics from evaluation and remedial education services.

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)

SUBPART F: BEVERAGE ALCOHOL SELLERS AND SERVERS EDUCATION AND TRAINING (BASSET) PROGRAMS

Section 2056.600 Purpose of BASSET

The purpose of a BASSET program is:

- a) to provide information to sellers and servers of alcoholic beverages about the effects of alcohol and drug use and abuse; and
- b) to provide the necessary skill development techniques to identify and/or intervene with patron use problems, thereby reducing the incidence of patron misuse.

(Source: Expedited correction at 17 Ill. Reg. 19982, effective November 1, 1992)

Section 2056.601 License Applications

- a) Application forms may be obtained by writing to the Department of Alcoholism and Substance Abuse, 322 South College Street, 2nd Floor, Springfield, Illinois 62704, Attention: DUI Section.
- b) Application forms shall be signed and dated.

(Source: Added at 16 Ill. Reg. 15917, effective November 1, 1992)

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

Section 2056.603 Renewal Applications

- a) The Department shall provide each licensed program with a renewal application at least 60 days prior to expiration of the licenses. Notification to the Department must be given if license renewal forms are not received.
- b) Applications for renewal must be received by the Department not less than 30 days prior to expiration of the license, in order to guarantee that the renewal process is complete prior to expiration.
- c) Applications for renewal shall be signed and dated.

(Source: Added at 16 Ill. Reg. 15917, effective November 1, 1992)

Section 2056.605 BASSET Curriculum Requirements

The program shall submit its curriculum to the Department for review at the time of application for licensure. The curriculum shall include, at a minimum, information in the following areas of instruction:

- a) AREA 1:
PHYSICAL PROPERTIES OF ALCOHOL, DRUGS & ALCOHOLISM - Blood alcohol concentration, alcoholism, the effects of alcohol and/or drugs on driving performance, BAC levels related to body weight, gender and amount of alcohol consumed per hour.
- b) AREA 2:
PREVENTION & INTERVENTION TECHNIQUES - Maintenance of professional demeanor, use of alternative beverages, designated driver programs, visual and behavioral cues that may help participants recognize potential problems, assuring customer safety, refusal of service.
- c) AREA 3:
ILLINOIS STATE STATUTES, LOCAL ORDINANCES, ILLINOIS DUI LAWS - Laws pertaining to the sale of alcohol and the differences between civil and criminal charges and the penalties each carries, Illinois DUI laws and associated penalties.
- d) AREA 4:
PROPER IDENTIFICATION TECHNIQUES, POLICE POLICIES & EXPECTATIONS - Secretary of State's procedures to ensure security of driver's licenses and State ID cards, other acceptable forms of identification and enhanced identification techniques. Proper use of municipal support services (police, fire, and paramedic services).
- e) AREA 5:
DRAM SHOP LIABILITIES, INSURANCE, AND VICTIM'S RIGHTS - "Vicarious liability", "third party liability", procedures for protection against possible litigation, state insurance requirements and legal terms used in litigation.

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

Section 2056.607 License Fees

- a) Application fees shall be due on application for each license. Application fees are not refundable. Payment shall be made by check or money order made payable to the Department of Alcoholism and Substance Abuse. Payment shall not be in the form of U.S. currency, foreign currency, or stamps. A separate check or money order shall be submitted for each application.
- b) Fees
 - 1) The fee for application for a license is \$200.00.
 - 2) The fee for application for renewal of a license is \$200.00.
 - 3) No application fee shall be required of any unit of local, State or Federal government.

(Source: Added at 16 Ill. Reg. 15917, effective November 1, 1992)

Section 2056.610 BASSET Programmatic Requirements

- a) The BASSET program shall include a minimum of six (6) hours of classroom instruction. This instruction may be offered in one entire session or scheduled in increments over a specified period of time.
- b) At the time of application for licensure, the program must specify how the required curriculum hours will be scheduled.
- c) BASSET programs shall design and administer a pre-test and post test to participants to assess the program's effectiveness and any increase in knowledge in the curriculum areas. The pre-test and post test must be submitted for review by the Department at the time of application for licensure or prior to the provision of services.
- d) BASSET programs shall issue a certificate to each participant that it determines has successfully completed the course.
- e) BASSET programs shall submit at the time of licensing a listing of all BASSET instructors and, after licensure, notify the Department of any change in instructors and the completion date of training (as specified in Section 2056.660) for each instructor.
- f) BASSET programs shall compile and submit, on a format designed by the Department, a semi-annual report containing the following information:
 - 1) The number of participants trained during the reporting period.
 - 2) The number of BASSET courses scheduled and completed during the reporting period and the location of each course.
 - 3) The total fees charged for BASSET training per course during the reporting period.
 - 4) The number of businesses represented by participants completing BASSET programs and the respective counties of those businesses.
- g) BASSET programs shall maintain for a minimum of one year a record of all participants who successfully complete BASSET training.

(Source: Expedited correction at 17 Ill. Reg. 19982, effective November 1, 1992)

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

Section 2056.620 Period of Licensure Section 2056.620 Period of Licensure

Each license issued by the Department shall be effective for a period of two years. Thereafter, licenses shall be issued on the same two year cycle.

(Source: Added at 16 Ill. Reg. 15917, effective November 1, 1992)

Section 2056.625 Acceptance for Processing

- a) Application for licensure, or renewal of licensure, is deemed received by the Department on the postmarked date.
- b) Incomplete applications shall be returned to the applicant with a statement which lists the information which must be included. To avoid imposition of a new licensure fee, the application shall be resubmitted within 30 days after the date of the statement.

(Source: Expedited correction at 17 Ill. Reg. 19982, effective November 1, 1992)

Section 2056.630 Non-Transferability of License

A license shall be valid only for the program named in the application for licensure. A license is not transferable or assignable to any new owner.

(Source: Added at 16 Ill. Reg. 15917, effective November 1, 1992)

Section 2056.635 Change in BASSET Program Director or Services

All programs shall notify the Department, in writing, within five working days when there is a new program director or any change in services.

(Source: Added at 16 Ill. Reg. 15917, effective November 1, 1992)

Section 2056.640 Exceptions for BASSET Programs

- a) Requests for exceptions to any provision of Subpart F shall be made to the Director, in writing, and shall indicate the basis, rationale, and/or need for the exception.
- b) Any exception granted by the Director shall expire automatically at the end of the license period in which it was granted.
- c) The Department shall revoke any exception granted where the circumstances which give rise to the exception no longer exist. The program shall notify the Department in writing within ten (10) working days when the circumstances which gave rise to the exception no longer exist.

(Source: Added at 16 Ill. Reg. 15917, effective November 1, 1992)

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

Section 2056.645 Compliance With Local Government Ordinances

Programs shall comply with any applicable local government ordinances relative to the provision of BASSET services, if applicable, and shall indicate such compliance at the time of application for licensure.

(Source: Added at 16 Ill. Reg. 15917, effective November 1, 1992)

Section 2056.650 BASSET Program Fee

Programs shall submit, at the time of application or renewal of licensure, a fee schedule indicating the cost, if any, of the BASSET program. The program must notify the Department within five working days, of any change to the fee schedule.

(Source: Added at 16 Ill. Reg. 15917, effective November 1, 1992)

Section 2056.655 Sanctions

a) The Department may issue a written warning, place on probation, suspend, revoke, refuse to issue, or refuse to renew licenses. Opportunity for a hearing shall be granted in any instance other than when a written warning is issued. The Department may impose one or more of the sanctions listed above in any instance in which the program has:

- 1) failed to comply with any provisions of the Act;
- 2) failed to comply with any provision of this Part or other applicable Parts;
- 3) falsified any information required to be submitted to the Department pursuant to this Part;
- 4) failed to comply with any law or ordinance, after the program has been found guilty of the violation by the entity with subject matter jurisdiction over the alleged offense;
- 5) failed to comply with a Departmental request for information within 30 days.

b) Hearings pursuant to this Section are governed by 77 Ill. Adm. Code 2058.300.

c) In determining the type and severity of sanctions to be pursued by the Department, the Department shall employ the following standards:

- 1) degree to which licensee's conduct misrepresented the purpose and/or benefit of BASSET programming resulting in economic benefit to the licensee;
- 2) relative severity of licensee's conduct;
- 3) licensee's past history of violations or compliance with the Act and provisions of this Part;
- 4) any other relevant factor to be examined in mitigation or aggravation of the licensee's conduct with respect to the severity of sanction sought by the Department.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

(Source: Expedited correction at 17 Ill. Reg. 19982, effective November 1, 1992)

Section 2056.660 BASSET Instructor Training

Each BASSET Instructor shall attend one Basic BASSET Instructor Training Session offered or approved by the Department within the six month period directly following the effective date of the program license. Thereafter, any new BASSET Instructors must attend this training during the first six months of employment. It is the responsibility of each Program Director to ensure that all BASSET Instructors meet the training requirements of this Section.

(Source: Added at 16 Ill. Reg. 15917, effective November 1, 1992)

SUBPART G: COMPLAINTS/INSPECTIONS/INVESTIGATIONS

Section 2056.700 Complaints

a) Complaints relative to DUI program service operations must be directed to the Department according to the following criteria:

- 1) Complaints may be received verbally, but must be documented in writing by the complainant before any official Department action is undertaken.
- 2) Any supporting documentation relative to the complaint must also be submitted to the Department.
- b) Upon receipt of the above referenced documentation, if necessary to clarify any related information to a complaint, the Department will request additional documentation relative to any specific complaint from:
 - 1) The circuit court of venue and any of its court officials, including the probation department;
 - 2) the Office of the Secretary of State and any of its formal or informal hearing officers; and/or
 - 3) any other source, including but not limited to, the DUI defendant.
- c) All programs shall post the notice of complaint procedure poster furnished by the Department. This poster shall be readily visible to all DUI defendants.

(Source: Amended at 13 Ill. Reg. 7274, effective April 28, 1983)

Section 2056.705 Inspections

The Department shall conduct inspections of programs licensed under this Part to enforce compliance with the rules under this Part. Department inspections shall be conducted on a random basis to survey program compliance with this Part or in response to complaints made to the Department concerning a program licensed by this Part. Upon issuance of a "Notice of Inspection" (ID-409-0167)

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

and presentation of Department credentials, Compliance Officers of the Department shall be permitted access to inspect all areas and records of the program except financial and business records that are confidential or privileged. Defendant fee charges and collection records are not considered confidential or privileged for this purpose.

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)

Section 2056.710 Investigations

- a) The Department shall investigate allegations of violations of the rules promulgated in this Part based on complaints regarding the operation of any programs licensed under this Part.
- b) Upon presentation of Departmental credentials, Department investigative personnel shall be granted access to all administrative and service areas, defendant records, all other records required under this Part to permit the accomplishment of the investigation.
- c) The Department will, as a part of its investigatory procedure, notify the circuit court of venue and any of its court officials, including the probation department or the Office of the Secretary of State and any of its formal or informal hearing officers or any other related complainant concerning the initiation, status or disposition of an investigation of a specific licensed program.

(Source: Amended at 13 Ill. Reg. 7274, effective April 28, 1989)

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Licensure of Alcoholism and Substance Abuse Treatment, Intervention and Research Programs
- 2) Code Citation: 77 Ill. Adm. Code 2058

3) Section Numbers: Proposed Action:

2058.102	Repealed
2058.105	Repealed
2058.110	Repealed
2058.115	Repealed
2058.120	Repealed
2058.125	Repealed
2058.130	Repealed
2058.200	Repealed
2058.205	Repealed
2058.210	Repealed
2058.215	Repealed
2058.220	Repealed
2058.225	Repealed
2058.230	Repealed
2058.235	Repealed
2058.300	Repealed
2058.306	Repealed
2058.309	Repealed
2058.312	Repealed
2058.315	Repealed
2058.318	Repealed
2058.319	Repealed
2058.321	Repealed
2058.324	Repealed
2058.327	Repealed
2058.330	Repealed
2058.333	Repealed
2058.336	Repealed
2058.339	Repealed
2058.342	Repealed
2058.343	Repealed
2058.345	Repealed
2058.348	Repealed
2058.351	Repealed
2058.354	Repealed
2058.357	Repealed
2058.360	Repealed
2058.363	Repealed
2058.366	Repealed
2058.369	Repealed
2058.372	Repealed
2058.374	Repealed

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

2058.376 Repealed
 2058.378 Repealed
 2058.380 Repealed
 2058.382 Repealed
 2058.384 Repealed
 2058.386 Repealed
 2058.388 Repealed
 2058.390 Repealed
 2058.392 Repealed
 2058.394 Repealed
 2058.396 Repealed
 2058.400 Repealed
 2058.405 Repealed
 2058.410 Repealed
 2058.500 Repealed
 2058.600 Repealed
 2058.602 Repealed
 2058.603 Repealed
 2058.610 Repealed
 2058.625 Repealed
 2058.630 Repealed
 2058.700 Repealed
 2058.705 Repealed
 2058.800 Repealed
 2058.805 Repealed
 2058.810 Repealed
 2058.815 Repealed
 2058.900 Repealed
 2058.905 Repealed
 2058.1000 Repealed

4) Statutory Authority: Implementing the Illinois Vehicle Code (625 ILCS 5/), the Illinois Controlled Substances Act (720 ILCS 570) and the Alcoholism and Other Drug Dependency Act (20 ILCS 301).

5) Description of the Subparts and Issues Involved: All provisions of this rule are being repealed as they have been revised and merged with substance abuse intervention licensure rules in a new proposed rule, Part 2060.

6) Will this proposed rule replace a rule currently in effect? N/A

7) Does this proposed rule making contain an automatic repeal date? N/A

8) Does this proposed rule contain incorporations by reference? N/A

9) Are there any other proposed amendments pending on this part? N/A

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

- 10) Statement of statewide policy objectives: N/A
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit comments to:

Norma J. Seibert
 Administrator
 Division of Licensing & Monitoring
 Department of Alcoholism & Substance Abuse
 222 S. College, 2nd Floor
 Springfield, IL 62704
 (217) 782-0686

All written comments received within 45 days of this issue of the Illinois Register will be considered.

12) Initial regulatory flexibility analysis: N/A

13) Regulatory agenda on which this rulemaking was summarized: July 1995

The full text of the Proposed Repealer begins on the next page.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

TITLE 77: PUBLIC HEALTH
CHAPTER X: DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE
SUBCHAPTER d: LICENSURE

PART 2058
LICENSURE OF ALCOHOLISM AND SUBSTANCE ABUSE TREATMENT,
INTERVENTION AND RESEARCH PROGRAMS (REPEALED)

SUBPART A: GENERAL PROVISIONS

Section
2058.102
2058.105
2058.110
2058.115
2058.220
2058.125
2058.130
2058.135

Incorporations
Definitions
Facilities Subject to Licensure
Exception Process
Applicability
Cessation of Operations
Unlicensed Practice
Compliance Dates

SUBPART B: APPLICATIONS/RENEWALS/APPLICATION FEES

Section
2058.200
2058.205
2058.210
2058.215
2058.220
2058.225
2058.230
2058.235

License Issuance
Application Forms
Renewal Application Forms
Application Fees
Period of Licensure
Acceptance for Processing
Verification of Application Information
Change of Ownership

SUBPART C: TREATMENT FACILITIES

Section
2058.300
2058.303
2058.306
2058.309
2058.312
2058.315
2058.318
2058.319
2058.321
2058.324
2058.327
2058.330
2058.333

Authorized Program Representative
Advisory Board
Plan for Professional Services
Quality Assurance System
Client Rights
Client Records
Confidentiality - Alcoholism and Drug Abuse Patient Information
Confidentiality - HIV Antibody and/or AIDS Status
Medical Responsibility
Medication Dispensary Services
Intake
Assessment
Treatment Plans

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

Progress Notes
Discharge Summary and Aftercare
Infection Control
HIV Infection and AIDS Related Training
Sterile Supplies and Equipment
Food Services
Emergency Services
Referrals and Consultation
Special Treatment Procedures
Human Research Projects
Rehabilitation Services
Toxicology
Use of Methadone
Residential Programs
Adult Residential Rehabilitation Programs
Adolescent Residential Rehabilitation Programs
Halfway House Program Facilities
Social Setting Detoxification Program Facilities
Adult Medical Detoxification Program Facilities
Adolescent Medical Detoxification Program Facilities
Outpatient Programs
Adult Outpatient Program Facilities
Adolescent Outpatient Program Facilities
Adult Intensive Outpatient Programs
Adolescent Intensive Outpatient Programs
Adult Medical Detoxification Programs

SUBPART D: INTERVENTION

Section
2058.400
2058.405
2058.410

Identification
Regulation
Designated Program

SUBPART E: RESEARCH

Section
2058.500

Controlled Substances Research

SUBPART F: PHYSICAL PLANT REQUIREMENTS

Section
2058.600
2058.602
2058.603
2058.610
2058.625
2058.630

General - All Program Facilities
Residential Program Facility Requirements
Halfway House Programs
Outpatient Program Facilities - General
Research Programs
New Construction Requirements - All Facilities

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

SUBPART G: REPORTS

Section
2058.700
2058.705

Reports to DASA
Reports to Other Agencies

SUBPART H: COMPLAINTS/INSPECTIONS/INVESTIGATIONS

Section
2058.800
2058.805
2058.810
2058.815

Complaints
Inspections
Investigations
Collection and Seizure

SUBPART I: HEARINGS/SANCTIONS

Section
2058.900
2058.905

Hearings
Sanctions

SUBPART J: COMMITTEES

Section
2058.1000

Special Committee on Licensure

AUTHORITY: Implementing Section 11-501 of the Illinois Rules of the Road of the Illinois Vehicle Code (625 ILCS 5/11-501), Section 11 of the Cannabis Control Act (720 ILCS 550/11), Section 508 of the Illinois Controlled Substances Act (720 ILCS 570/508) and the Illinois Alcoholism and Other Drug Dependency Act (20 ILCS 305) and authorized by Article IV of the Illinois Alcoholism and Other Drug Dependency Act (20 ILCS 305/Art. IV).

SOURCE: Adopted at 12 Ill. Reg. 14524, effective September 6, 1988; amended at 15 Ill. Reg. 2597, effective February 4, 1991; amended at 15 Ill. Reg. 13708, effective September 10, 1991; repealed at 20 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 2058.102 Incorporations

Incorporation of federal rules and standards and the standards of nationally recognized organizations are with no later editions or amendments.

Section 2058.105 Definitions

"Acceptance of the client" in a designated program means that the client meets the criteria as set forth in Section 10-101 of the

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

Alcoholism and Other Drug Dependency Act. (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6360-1) and conditions for delivery of services by the designated program.

"Act" means the Illinois Alcoholism & Other Drug Dependency Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6360-1 et seq.).

"Admission" means the purpose of initiating treatment services.

"Adolescent" means a person who has reached the twelfth (12th) birthday but has not yet reached the eighteenth (18th) birthday.

"Adults" are defined as persons who are eighteen (18) years of age or older.

"Assessment" means the aggregate set of services provided to treatment clients in order to determine the nature and scope of physical, emotional, behavioral and social needs.

"Authorized Prescriber" means a physician licensed to practice medicine in all its branches pursuant to the Medical Practice Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 4400-1 et seq.) or a physician under Federal Authority who issues prescriptions pursuant to 21 CFR 1301.25 (1987).

"Authorized Program Representative" means the individual designated in the application by the owners or corporation to act on its behalf with regard to the provision of services under the Act.

"Client" means a person who receives treatment or intervention services. The term is synonymous with "consumer," "patient," "recipient of treatment," and "resident."

"Clinical Services" means systematic services that are designed to meet the goals set out in the client's individualized treatment plan and normally include interviewing, assessing, treatment planning, counseling, supportive services, discharge planning and aftercare.

"Controlled Substance" means a drug or substance, or immediate precursor in the Schedule of Article 11 of the Illinois Controlled Substances Act (Ill. Rev. Stat. 1989, ch. 56 1/2, par. 1201 et seq.).

"Discharge" means the point at which the client's involvement with a facility is terminated either by action of the client or by a written decision by the facility and the facility no longer maintains responsibility for the care of the client.

"Driving Under the Influence (DUI) Program" means evaluation, remedial

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

education, or referral to treatment for persons charged with DUI of alcohol or other substances.

"Facility" means the building or premises, including the grounds and any satellite premises included in the license for the facility which are used for treatment, intervention or research programs as specified in this Part.

"Halfway House Program" means a type of residential treatment program facility which provides a twenty-four (24) hour, live-in, structured, treatment environment with activities focusing on job and other independent living skills, such as managing personal finances and building social relationships.

"Incident Report" means a facility's internal document which describes an event that is likely to lead to adverse effects (severe illness, loss of life, or need for emergency medical services) or that varies from established policies and procedures pertaining to client care.

"Intake" means the aggregate set of services provided to clients in the process of admission to a treatment program or designated program facility. These include client screening and client orientation to the facility's services and requirements.

"Intensive Outpatient Program" means the provision of face to face treatment services to an individual who is experiencing a problem with alcohol or other drugs, who receives at least 15 hours per week of such services (adult) or who receives at least 9 hours per week of such services (adolescent) from the licensed facility, unless a higher minimum number of hours of service per week is required by Medicaid or 77 Ill. Adm. Code 2090, who does not receive room and board as a part of these services.

"Intervention" means activity or services performed by DUI programs, designated programs, or BASSET programs, as set forth more specifically in Section 2058.110 and Subpart D below.

"Investigational New Drugs" are those substances which require approval by the U.S. Food and Drug Administration for trials with human subjects pursuant to 21 CFR 312 (1987).

"Medical Detoxification Program" means a type of treatment program facility which provides services and activities focusing on therapeutic procedures administered under medical supervision which relieve the severity of withdrawal from alcohol or other drugs.

"Methadone" means a synthetic narcotic analgesic drug (4,4-diphenyl-6-dimethylamino-heptanone-3-hydrochloride) which is

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

approved by the U.S. Food and Drug Administration (FDA) for use in narcotic treatment programs for purposes of detoxifying or maintaining persons dependent on heroin or other morphine-like drugs.

"Methadone Treatment Program - Long-term Detoxification" means detoxification treatment for a period of more than thirty (30) days but not in excess of 180 days using methadone as an ancillary medical support to treatment services.

"Methadone Treatment Program" - Short-term Detoxification" means detoxification treatment for a period not in excess of thirty (30) days using methadone as an ancillary medical support to treatment services.

"Methadone Treatment Program - Maintenance" means the dispensing of methadone for more than 180 days using methadone in support of the treatment of an individual for dependence on heroin or other morphine-like drugs for the purpose of suppression of opiate withdrawal symptoms without the induction of opioid intoxication and including periodic evaluation to initiate withdrawal and a return to a drug-free state.

"Outpatient Program" means the provision of face to face treatment services to an individual who is experiencing a problem with alcohol and other drugs, but who does not receive room and board as part of these services.

"Physician" means a person who is licensed to practice medicine in all its branches pursuant to the Medical Practice Act of 1987.

"Practitioner" means a physician, dentist, podiatrist, veterinarian, scientific investigator, pharmacist, licensed practical nurse, registered nurse, hospital, laboratory, or pharmacy, or other person licensed, registered, or otherwise permitted by the United States pursuant to 21 CFR 1301.21 (1987) or this State to distribute, dispense in accordance with Section 312 of the Illinois Controlled Substances Act, conduct research with respect to, administer or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

"Principal Scientific Investigator" means the person engaged in controlled substances research who has ultimate responsibility for the research project.

"Professional Staff" means any of the staff in a treatment program who deliver or provide intake; assessment; treatment planning; individual, group, or family counseling; discharge planning; medication dispensing; or rehabilitation services to treatment clients.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

"Psychiatrist" means a physician licensed to practice medicine in all its branches pursuant to the Medical Practice Act of 1987 and who meets the requirements of Section 1-121 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1989, ch. 91 1/2, par. 1-121).

"Readmission" means the act of initiating services to an individual who previously received any prior treatment in the same facility or in another facility under the control or supervision of the entity controlling or supervising the readmitting facility. Readmission processes include all admission activities and a specific examination of prior treatment experiences.

"Research" means research done for legitimate purposes and involving the possession, dispensing, use, or administration of controlled substances, as enumerated in Articles I and II and Section 508 of Illinois Controlled Substances Act or specified in Sections 11, 15 and 15.1 of the Cannabis Control Act, Ill. Rev. Stat. 1989, ch. 56 1/2, par. 701 et seq.

"Residential Program" means a 24-hour, live-in, structured, supervised, treatment environment.

"Residential Rehabilitation Program" means a residential treatment program facility which provides a twenty-four (24) hour, live-in environment and activities focusing on changing client behaviors and increasing client knowledge of the effects of alcohol and other drugs' use and abuse.

"Revocation" means the termination of a license by the Department.

"Satellite Facility Program" means the premises where treatment, intervention, or research activities are conducted, but where such activities are limited to less than sixteen (16) hours per week. Programs conducted in a satellite facility shall be owned and operated by a facility licensed under this Part.

"Seclusion" means that the treatment client is required to remain in a part of the treatment facility that is not part of the common client areas used for daily activities, and the client is not permitted to participate in the usual activities of the facility.

"Significant Incident Report" means the documentation that a facility is required to submit to the Department in the event that a life-threatening accident or other event occurs which requires the services of the fire department, the police department, or the coroner.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

"Small Facility" means the premises where a treatment program or programs are conducted, but where such activities are carried out by three (3) or fewer full time equivalent professional staff members.

"Social Setting Detoxification Program" means a type of residential treatment program facility which provides intake and admission services on demand and a twenty-four (24) hour, live-in environment with activities focused on crisis intervention and referral services.

"Support Staff" means the clerical, administrative, and facility management personnel who do not deliver direct services to treatment clients.

"Treatment" means a continuum of activities or services provided to persons addicted to or abusing alcohol or other drugs. Services or activities include intake; assessment; treatment planning; individual, group or family counseling; and discharge planning.

"Treatment Plan" means an individually tailored written plan for a treatment client which identifies the care and treatment to be provided to the client based upon an assessment of individual problems, needs, and strengths and weaknesses.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.110 Facilities Subject to Licensure

The Department of Alcoholism and Substance Abuse (the Department) shall issue licenses for the following categories of services:

- a) TYPE A: Treatment Licenses
 - 1) Treatment licenses shall be required for facilities engaged in a continuum of activities or services to persons who are addicted to or abusing alcohol or other drugs. Treatment services and activities include intake; assessment; treatment planning; individual, group or family counseling; and discharge planning. A satellite facility program owned, operated and supervised by a licensed residential or outpatient treatment program facility is not required to hold a separate license.
 - 2) The Department shall issue licenses for two (2) categories of treatment as follows:
 - A) TYPE A(1): Residential Treatment Programs

Facilities delivering treatment activities or services to clients and which also provide room and board for clients shall be licensed as residential treatment program facilities. A facility may apply to provide more than one type of residential program at a single premise or location (e.g. residential rehabilitation program - adult and social setting detoxification program - adult) but shall be

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

authorized as part of the single residential program license for that premise or location. Specific requirements for residential treatment program facilities are included in Subpart C and Subpart F of this part, and include requirements for the following subcategories of residential treatment programs:

- i) Residential Rehabilitation Program - Adult
These treatment program facilities are licensed to provide residential treatment services for persons aged eighteen (18) years or older and shall also meet the additional requirements for adult residential rehabilitation program facilities specified in Section 2058.374. The facility may use methadone as an ancillary medication service for detoxification or withdrawal from dependence on opiates in accordance with the requirements specified in Section 2058.362.
- ii) Residential Rehabilitation Program - Adolescent
These treatment program facilities are licensed to provide residential treatment services for persons aged twelve (12) through seventeen (17) years and shall also meet the additional requirements for adolescent residential rehabilitation program facilities specified in Section 2058.376. The facility may use methadone as an ancillary medication service for detoxification or withdrawal from dependence on opiates in accordance with the requirements specified in Section 2058.362.
- iii) Halfway House Program - Adult
These treatment program facilities are licensed to provide residential treatment services for persons aged eighteen (18) years or older and shall also meet the additional requirements for adult halfway house program facilities specified in Section 2058.378.
- iv) Social Setting Detoxification Program - Adult
These treatment program facilities are licensed to provide residential treatment services for persons aged eighteen (18) years or older and shall also meet the additional requirements for adult social setting detoxification program facilities specified in Section 2058.380.
- v) Medical Detoxification Program - Adult
These treatment program facilities are licensed to provide residential treatment services for persons aged eighteen (18) years or older and shall also meet the additional requirements for adult medical detoxification program facilities specified in Section 2058.382. The facility may use methadone as an ancillary medication service for detoxification or withdrawal from dependence on opiates in accordance

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

with the requirements specified in Section 2058.369.

- vi) Medical Detoxification Program - Adolescent
These treatment program facilities are licensed to provide residential treatment services for persons aged twelve (12) through seventeen (17) years and shall also meet the additional requirements for adolescent medical detoxification program facilities specified in Section 2058.384. The facility may use methadone as an ancillary medication service for persons aged sixteen (16) and seventeen (17) years for detoxification from dependence on opiates in accordance with the requirements specified in subsection 2058.369(b).

- B) TYPB A(2): Outpatient Treatment Programs
Facilities delivering treatment activities or services to clients and which do not provide room and board shall be licensed as outpatient treatment program facilities. A facility may apply to provide more than one type of outpatient program at a single premise or location (e.g. outpatient program - adult and intensive outpatient program - adolescent), but all such services shall be authorized as part of the single outpatient treatment program license for that premise or location. Specific requirements for outpatient treatment program facilities are included in Subparts C and F of this part, and include requirements for the following subcategories of outpatient treatment programs:

- i) Outpatient Program - Adult
These treatment program facilities are licensed to provide outpatient treatment services for persons aged eighteen (18) years or older and shall also meet the additional requirements for adult outpatient program facilities specified in Section 2058.388. The facility may use methadone as an ancillary medication service for detoxification or withdrawal from dependence on opiates in accordance with the requirements specified in Section 2058.362(b).
- ii) Outpatient Program - Adolescent
These treatment program facilities are licensed to provide outpatient treatment services for persons aged twelve (12) through seventeen (17) years and shall also meet the additional requirements for adolescent outpatient program facilities specified in Section 2058.390. Exceptions will be permitted for persons aged ten (10) and eleven (11) years on an individual case basis upon approval by the Department.
- iii) Intensive Outpatient Program - Adult
These treatment program facilities are licensed to

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

provide intensive outpatient treatment services for persons aged eighteen (18) years or older and shall also meet the additional requirements for adult intensive outpatient program facilities specified in Section 2058.392. The facility may use methadone as an ancillary medication service for detoxification or withdrawal from dependence on opiates in accordance with the requirements specified in subsection 2058.369(b).

- iv) Intensive Outpatient Program - Adolescent
These treatment program facilities are licensed to provide intensive outpatient treatment services for persons aged twelve (12) through seventeen (17) years and shall also meet the additional requirements for adolescent intensive outpatient program facilities specified in Section 2058.394.
- v) Medical Detoxification Program - Adult
These treatment program facilities are licensed to provide outpatient treatment services for persons aged eighteen (18) years or older and shall also meet the additional requirements for adult medical detoxification program facilities specified in Section 2058.396. The facility may use methadone as an ancillary medication service for detoxification or withdrawal from dependence on opiates in accordance with the requirements specified in Section 2058.369(b).

b) TYPE B: Intervention Licenses

The Department shall issue four (4) categories of intervention licenses in accordance with the requirements specified below. A satellite facility supervised by an administrator of a licensed intervention facility is not required to hold a separate license. Such intervention licenses shall be required for facilities engaged in the following services or activities:

- 1) TYPE B(1): DUI Evaluation
Facilities evaluating persons who are charged with driving under the influence (DUI) offenses pursuant to Section 11-501 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 11-501) and who perform such evaluations for submission to the Illinois courts or the Secretary of State shall be licensed as DUI evaluation facilities. Specific requirements for these DUI evaluation facilities are included in 77 Ill. Adm. Code 2056.
- 2) TYPE B(2): Designated Program
Facilities which provide screening, assessing, referring and tracking activities and service pursuant to Article X of The Act and who carry out such activities or services as the designated program for the Department, shall be licensed as designated agent

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

facilities. Specific requirements for these designated program facilities are included in Subparts D and F of this Part.

- 3) TYPE B(3) DUI Remedial Education
Facilities providing remedial education services to persons charged with driving under the influence (DUI) offenses pursuant to Section 11-501 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 11-501) shall be licensed as DUI remedial education facilities. Specific requirements for these DUI remedial education facilities are included in 77 Ill. Adm. Code 2056.
- 4) TYPE B(4): Beverage Alcohol Sellers and Servers Education and Training (BASSET)
Facilities providing training services to beverage alcohol sellers and servers pursuant to the Act shall be licensed as Beverage Alcohol Sellers and Servers Education and Training (BASSET) facilities. Specific requirements for these BASSET facilities are included in 77 Ill. Adm. Code 2056.

- c) TYPE C: Research Licenses
A research license shall be required for a program using controlled substances for research as enumerated in Articles I and II and Section 508 of the Illinois Controlled Substances Act and/or as specified in Sections 11, 15 and 15.1 of the Cannabis Control Act. Specific requirements for these controlled substances research facilities are included in Subparts E and F of this Part.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.115 Exception Process

Factors that the Director shall consider in deciding whether or not to grant a requested exception include, but shall not be limited to, the facility's or program's client population and size, type of service or services and geographic location. Facilities may request exceptions to specific Section(s) that are not statutorily mandated as follows:

- a) Requests for exceptions to any Section(s) shall be made to the Director in writing, and shall indicate the specific basis, rationale, and need for the exception;
- b) If a Section contains a specific exception provision, the specific provision shall control;
- c) The Department shall revoke any exception granted where the circumstances which gave rise to the exception no longer exist. The facility shall notify the Department in writing not later than ten (10) days after the circumstances which gave rise to the exception no longer exist;
- d) An exception to any Section(s) shall be valid only for the term of the license under which it was granted. At the point of license renewal, reapplication for the exception may be made.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.120 Applicability

This Part shall apply to all persons engaged in treatment, intervention, or research activities as defined in Section 2058.105 and as specified in Section 2058.110, except as specifically exempted in Section 1-105 of the Act.

(Source: Amended at 15 Ill. Reg. 2597, effective February 4, 1991)

Section 2058.125 Cessation of Operations

a) A licensee which desires to cease operations shall notify the Department at least thirty (30) days prior to the date on which cessation of operations is scheduled to occur. The facility shall insure that all clients have been apprised of the pending cessation of operations. The licensee shall insure that the needs of all clients are met by alternate means, and shall notify the Department within ten (10) days prior to closure of any case in which it is anticipated that a client's needs cannot be met by existing systems of treatment or care.

b) Upon receipt of notice from a licensee that it intends to cease operations at a location, the Department will schedule an on-site inspection to insure that the controlled substances inventory is transferred or destroyed in accordance with the Drug Enforcement Administration (DEA) requirements set forth at 21 CFR 1307.14 and 21 CFR 1301.21 (1987), respectively, that all client files are stored in a location which meets the security requirements of Section 2058.315(a)(1) and (a)(4) for a period of three (3) years, and that all client records remain available for review.

c) Upon cessation of operations, the licensee shall automatically become null and void, and all documentation of licensure shall be surrendered to the Department, immediately. In addition to voluntary cessation, the inability of a program to continue to operate as licensed, whether because of damage to the facility, lack of staff or other cause, shall also be considered to be cessation of operation.

(Source: Amended at 15 Ill. Reg. 2597, effective February 4, 1991)

Section 2058.130 Unlicensed Practice

a) Whenever the Department determines that an unlicensed person and/or program and/or other entity is engaging in activities which require licensure, the Director shall issue an order to that person and/or program and/or other entity to cease and desist from engaging in the activity. The order shall specify the particular activities which require licensure, and shall include citation of relevant Sections of

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

the Act and this Part.

b) The Director's order shall be accompanied by a notice which instructs the recipient that written documentation may be submitted to the Department within ten (10) days to support a claim that licensure is not required, or that the recipient is properly authorized to conduct the activities.

c) After the ten (10) days has expired, if the Director believes that the unlicensed person is continuing to engage in activities requiring licensure, he shall refer the matter to the appropriate State's Attorney or to the Office of the Attorney General for prosecution.

d) An employee of a facility licensed under this Part is not required to be licensed pursuant to this Part.

e) A licensed program facility that fails to report to the Department the information about a satellite facility program it owns, operates and supervises, as required by Section 2058.700(c) of this Part, is engaged in the unlicensed provision of services at such satellite location(s).

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.135 Compliance Dates (Repealed)

(Source: Repealed at 15 Ill. Reg. 13708, effective September 10, 1991)

SUBPART B: APPLICATIONS/RENEWALS/APPLICATION FEES

Section 2058.200 License Issuance

a) An application for a license or an application to renew a license shall be made on forms specified by the Department. The applicant shall provide any and all information requested on the application form(s).

b) All licenses in effect on July 1, 1988 for activities requiring licensure under this Part shall be qualified for a license under this Part provided that:

- 1) the licensee holder submits an application for a new license which specifies the type(s) of license(s) requested under this Part, except that an alcohol treatment facility licensed by the Department of Public Health is not required to obtain licensure from the Department until its current license expires;
 - 2) the licensee holder provides evidence of licensure that is similar to the license(s) requested; and
 - 3) the fees, which are required by subsection 2058.215(b), are paid.
- c) Persons and/or programs licensed in accordance with subsection 2058.200(b) above shall follow the same compliance requirements as all others under this Part.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

ILLINOIS REGISTER

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

Section 2058.220 Period of Licensure

- a) Each license issued by the Department shall be effective for a period of two (2) years with the first license cycle beginning on July 1, 1988, and ending on June 30, 1990. Thereafter, licenses shall be issued for periods ending on June 30th every two years unless extensions are granted pursuant to subsection 2058.220(b). Routine licensure renewal site visits will occur at least every two years.
- b) Licenses for facilities which have accreditation by the Commission on Accreditation of Rehabilitation Facilities (CARF) or the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) at the point of licensure renewal, and which will remain valid for one full year from the date of license free of charge. For example, a facility holding a 3-year JCAHO accreditation certificate which will be valid through June 30, 1992 may submit proof of this to DASA as part of their license renewal July 1, 1990 and thus have their DASA license extended through June 30, 1991 at no charge. Documentation of the CARF or JCAHO accreditation shall accompany the renewal application.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.225 Acceptance for Processing

- a) Applicants requesting licensure for more than one service may submit all applications in a single package, however each application shall be complete and may not refer to any other application for required information.
- b) Applications for licensure, or renewal of licensure are deemed received by the Department on the postmarked date.
- c) The Department shall notify an applicant of any error or omission made in the submission of an application for licensure or renewal of licensure. To avoid the imposition of a new application fee, the applicant must submit all required information within ninety (90) days of the date of the Department's notification. If the applicant fails to submit all required information within ninety (90) days, all application materials will be returned and the process will be terminated.

Section 2058.230 Verification of Application Information

- a) The Department may verify the data furnished by a facility in any application for licensure. Submission of an application carries implied consent to permit inquiry into the data furnished in any instance when an examination of submitted information discloses an anomaly or disparity in the information in comparison to facility information on file at the Department or other data submitted by other facilities, or information about the program and/or facility and/or its staff and/or its owner(s), officer(s) and/or member(s) of its

ILLINOIS REGISTER

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

Section 2058.205 Application Forms

- a) Application forms for facilities licensed under this Part may be obtained by writing to:
Illinois Department of Alcoholism and Substance Abuse,
100 West Randolph Street, Suite 5-600
Chicago, Illinois 60601
Attention: Regulatory Affairs Section.
or
Illinois Department of Alcoholism and Substance Abuse
220 South College, 2nd Floor
Springfield, Illinois 62704
Attention: Regulatory Affairs Section.
- b) Application forms shall be signed and dated by the applicant, at least two (2) of the corporate officers in the case of a corporate applicant, or by all partners or associates in the case of a partnership or association applicant.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.210 Renewal Application Forms

- a) Applications for renewal must be received by the Department not less than thirty (30) days prior to expiration of the license in order to guarantee that the renewal process is complete prior to expiration.
- b) Applications for renewal shall be signed and dated by the applicant, at least two (2) of the corporate officers in the case of a corporate applicant, or by all partners or associates in the case of a partnership or association applicant.

Section 2058.215 Application Fees

- a) Application fees shall be due on application for each license. Application fees are not refundable. Payment shall be made by check or money order made payable to the Department of Alcoholism and Substance Abuse. Payment shall not be in the form of U.S. currency, foreign currency, or stamps. A separate check or money order shall be submitted for each application.
- b) Fees
- 1) The fee for application for a license is \$200.00 for each licensure category at each facility at which activities requiring licensure are to be conducted, excluding satellite facilities.
 - 2) The fee for application for renewal of a license is \$200.00.
 - 3) Facility relocation will require the submission of a license application, and the payment of an application fee.
 - 4) No application fee shall be required of any unit of local, State, or Federal government.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

- board of directors received by the Department.
- b) The Department shall, either before or after the issuance of a license, request the cooperation of the State Fire Marshal, county health departments, or municipal boards of health to make investigations if the Department is unable through its own resources to ascertain compliance with this Part.
 - c) Upon receipt by the Department of evidence to the contrary, the Department may verify that the physical, mental and professional capability and integrity of management, control and/or ownership personnel is sufficient to assure that the applicant program can perform anticipated services with reasonable judgement, skill and safety. In determining such capability and integrity the Department may consider, but not be limited to the following:
 - 1) the accuracy of materials and information maintained and/or submitted in the course of the establishment or operation of the services;
 - 2) prior criminal conduct by such personnel;
 - 3) prior violations of this Part by such personnel;
 - 4) the prior provision of substandard services by such personnel;
 - 5) competent evidence of emotional, psychological and/or physical impairment which may substantially interfere with the provision of services as licensed; and
 - 6) the timeliness of responses to the Department's reasonable request(s) for information from such personnel.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.235 Change of Ownership

- a) A license shall become null, void, and of no further effect when any of the following occurs:
 - 1) change in ownership involving more than ten (10) percent of the aggregate ownership interest within a one (1) year period;
 - 2) change in the members of the board of directors of a not-for-profit corporation licensee involving more than fifty (50) percent of the board members within a one (1) year period or take over of the not-for-profit by another legal entity;
 - 3) change in location; or
 - 4) dissolution of the corporation.
- b) A license issued to a corporation which is subsequently dissolved shall not be reactivated upon reinstatement of the corporation. Such a corporation must reapply for licensure.
- c) The license certificate(s) shall remain the property of the Department and shall be returned to the Department if there is a change in ownership, location, or if the license is suspended, revoked or modified.

(Source: Amended at 15 Ill. Reg. 2537, effective February 4, 1991)

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

SUBPART C: TREATMENT FACILITIES

Section 2058.300 Authorized Program Representative

- a) Each facility which is owned or operated by a corporation, whether operated for-profit or not, association, unit of government, or any other form of business including a sole proprietorship and partnership shall designate one individual in whom is vested authority for the organization, management, control, and operation of the licensed treatment facilities administered by the organization and for communication with the Department regarding the status of the facility license(s). This person shall be known as the authorized program representative.
- b) The names and addresses of all owners or controlling parties of the facility (whether they are individuals, partnerships, corporate bodies, or subdivisions of other bodies, such as public agencies or religious, fraternal, or other charitable organizations) shall be fully disclosed. In the case of corporations, the names and addresses of all officers, directors, and stockholders owning five (5) percent or more of the stock of the corporation, either beneficial or of record, shall be disclosed.
- c) The Department shall be notified in writing of the designation of the authorized program representative in the application and of any changes in such designation at the time of such change.

Section 2058.303 Advisory Board (Repealed)

(Source: Repealed at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.306 Plan for Professional Services

- a) Each licensed facility shall prepare and implement a written plan for professional services which include an annual services plan and a professional staff plan.
- b) The plan for professional services shall be reviewed at least annually by the authorized program representative, shall be revised as necessary, and shall be reviewed, signed and dated by board of directors annually.
 - 1) There shall be documentation that the facility has considered findings from the quality assurance system in reviewing the plan.
 - 2) There shall be documentation that the results of the review of the plan for professional services are made available to staff.
- c) The annual services plan shall include the following:
 - 1) a description of all of the services and activities offered by the facility, including those services required by this Subpart for the type of license held by the facility;
 - 2) a delineation of the qualifications of professional and support staff assigned to provide each of the services and activities

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

- described in subsection (c)(1) above;
- 3) an estimate of the number of clients to be served during the year;
 - 4) a delineation of the number and types of professional staff needed to provide services and activities for the estimated client load; and
 - 5) a description of the services or activities which use volunteers.
- d) The professional staff plan shall include the following:
- 1) a description and chart showing the professional staff organization which assigns lines of authority and supervision; and
 - 2) staff growth and development activities which shall be provided for administrative, professional, and support staff to improve staff capability to implement the facility's plan for professional services.
- e) In implementing the plan for professional services, the facility shall include the following:
- 1) professional and support staff to implement the annual services plan;
 - 2) documentation that professional staff meet all federal, state, and local requirements for licensing, registration or certification;
 - 3) documentation that all professional staff are qualified in accordance with the requirements of the annual services plan to perform their assigned treatment responsibilities;
 - 4) documentation that orientation and training programs have been provided for all employees;
 - A) orientation programs shall be completed not later than the 30th day of employment;
 - B) orientation programs shall include the specific duties assigned to the employee, procedures for handling incidents and emergencies, and familiarization with existing staff backup and support systems;
 - 5) documentation of the participation of administrative, professional, and support staff in staff development and in-service training programs;
 - 6) documentation that staff development is under the direction of a designated professional staff member who may delegate responsibility for any part of the staff development activities;
 - 7) documentation that staff development activities include opportunities to participate in education programs outside the facility, such as workshops, institutes, formal continuing education courses, and local and national certification;
 - 8) documentation that the facility has written personnel procedures approved by the owner(s) or the authorized program representative.
- f) Personnel procedures shall apply to all full and part-time employees and shall include:

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

- 1) procedures for recruiting, selecting, promoting and terminating staff;
 - 2) procedures for verifying applicant or employee information;
 - 3) procedures for protecting the privacy of personnel records;
 - 4) procedures for performance appraisals, and review and update of job descriptions for all positions in the facility;
 - 5) procedures for disciplinary action, including suspension and termination;
 - 6) procedures for employee grievances;
 - 7) procedures for on the job accident and/or injury, including handling of emergencies;
 - 8) relationships with employee organizations;
 - 9) procedures for handling instances of suspected or confirmed client abuse and/or neglect by staff, whether paid or volunteer;
 - 10) procedures for handling instances of suspected or confirmed alcohol and other drug use and abuse by staff;
 - 11) hiring professional staff with a felony conviction or subsequent incarceration within the two years prior to employment. Request for exception to this requirement must be made in writing to the Department indicating the individual concerned, the job designation, and skills offered. Such exceptions are to be signed by the owner(s), the governing body designee, or the authorized program representative;
 - 12) documentation that the personnel procedures, and any changes in procedures, have been distributed to employees and are available on request;
 - 13) documentation of the name, address, and telephone number of the employee, the employee's social security number; name, address, and phone number of next of kin; resume and evidence of qualifications, documentation of training and continuing education received while employed by the facility, professional certification, current licensing and/or registration, if applicable, dates of employment and separation from the facility; and,
 - 14) a requirement that professional staff shall be at least eighteen (18) years of age.
 - 15) documentation of background checks through the Department of Children and Family Services to determine that an employee in an adolescent residential program facility has not been the perpetrator in an indicated child abuse or neglect report, as authorized by Section 11.1 of the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1989, ch. 23, par. 2061.1).
- g) There shall be documentation that all personnel procedures have been reviewed and approved at least once each year by the owner(s) or the governing body, and dated when reviewed or revised.
- h) A staff member shall be assigned to coordinate the volunteer services program, if volunteers are used in the facility. The volunteer coordinator shall document the name, address and telephone number of

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

each volunteer and the name, telephone number and relationship to the volunteer of the person to be contacted in case of an emergency. The volunteer coordinator shall provide an orientation to:

- 1) the facility's plan for professional services;
- 2) the responsibility for maintaining client confidentiality;
- 3) procedures for responding to unusual events and incidents;
- 4) assignment of each volunteer to specific duties;
- 5) procedures for on the job accident and/or injury, including handling of emergencies; and
- 6) procedures for handling instances of suspected or confirmed alcohol and other drug use and abuse by paid and volunteer staff.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991.)

Section 2058.309 Quality Assurance System

a) The facility shall establish and maintain a quality assurance system which contains the following components:

- 1) a facility and program evaluation which measures the facility's performance against the criteria set by the facility in the plan for professional services;
- 2) a utilization review system which analyzes the facility's policies and practices in admissions, readmissions, length of stay, and criteria for denying admission; and
- 3) requirements for periodic client care monitoring which examine selected individual client care and services provided in accordance with subsection (i).

b) The facility and program evaluation shall measure the levels and types of services delivered and the performance of the facility against the established plan for professional services and shall be completed for the following required services:

- 1) intake services;
- 2) assessment services;
- 3) treatment planning;
- 4) counseling services;
- 5) discharge planning;
- 6) emergency services; and
- 7) referral or consultation services.

c) If any of the services listed below are included in the facility's plan for professional services, the facility evaluation shall also include:

- 1) rehabilitation services;
- 2) medication dispensary services; and
- 3) food services.

d) The facility and program evaluation shall be completed annually and its findings incorporated as part of the factual basis for the subsequent year's plan for professional services (See Section 2058.306(c)).

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

e) The facility shall designate the individual(s) responsible for completing the facility and program evaluation.

f) The utilization review system shall include reviewing the facility policies listed below, testing a sample of cases to measure that these policies are carried out in actual practice in the facility, and making recommendations for changes in the following:

- 1) client admission criteria;
- 2) length of stay norms and variances;
- 3) exclusionary admission criteria;
- 4) referral procedures for persons denied admission;
- 5) readmission criteria; and
- 6) discharge criteria.

g) The activities and procedures used in the facility's utilization review system shall also include the following requirements:

- 1) a delineation of the staff participating in utilization review;
- 2) conflict of interest policies which address the problems inherent in small programs where professional staff cannot always avoid reviewing their own cases;
- 3) assurance of client confidentiality and privacy;
- 4) requirement that all admissions be open to review;
- 5) specifications of the sampling methodology to be used in selecting cases for review, assuring a statistically valid representative sample of all persons seeking admission to each licensed program (such sampling shall be randomly selected, shall consist of at least 15% of all persons seeking admission to each program, but no less than 5 cases and no more than 20 cases for each program); and

6) issuance of a report of findings of the utilization review system at least once every six months which is available to all professional staff.

h) The facility shall conduct client care monitoring activities which include the review of a sample of treatment and other services provided and which include a review of the following:

- 1) unresolved diagnoses;
- 2) unimproved clients;
- 3) treatment failures and complications in treatment;
- 4) use of special treatment procedures;
- 5) use of experimental or investigational drugs;
- 6) medication usage; and
- 7) client care incidents or emergencies.

i) The facility shall maintain written requirements for client care monitoring activities which include:

- 1) a requirement that client care monitoring occurs at least quarterly;
- 2) the sampling method for selecting cases for review assuring a statistically valid representative sample of cases as described in subsection (g)(5);
- 3) the participants or staff who may conduct client care monitoring

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

- activities;
- 4) records documenting the results of client care monitoring activities.
 - j) Client care monitoring shall not include information concerning or a review of any Human Immunodeficiency Virus (HIV) and/or AIDS related services provided to any identified client, except that participation in risk reduction education and/or other HIV or AIDS related education provided to all clients may be reviewed.
 - k) Client care monitoring may be performed in conjunction with treatment plan reviews, if the treatment plan review includes participation of more than one professional staff member.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.312 Client Rights

- a) Each program facility shall have a written statement which describes the following rights of clients admitted for treatment:
 - 1) access to treatment will not be denied on the basis of race, religion, or ethnicity. For facilities receiving federal or State support or assistance in any form, this statement shall also include handicapping conditions;
 - 2) all treatment services offered in the facility will be available regardless of the source(s) of financial support;
 - 3) treatment will be provided in the least restrictive environment available;
 - 4) each client will have and, on request will have access to, a current individual treatment plan;
 - 5) the confidentiality of clinical records is protected by federal and state statutes as well as by program policy;
 - 6) the client has a right to refuse treatment or any specific treatment procedure and a right to be informed of the consequences resulting from a refusal of treatment or of a treatment procedure;
 - 7) a description of the route of appeal available when a client disagrees with a facility's decision, policies, or procedures; and
 - 8) the rights regarding confidentiality of HIV/AIDS status and testing as set forth in Section 2058.319.
- b) Residential program facilities may impose restrictions on the privacy, movement, or communications of individual clients or a group of clients within the limitations set forth below:
 - 1) When a restriction(s) of privacy, movement, or communication is imposed on an individual, and is not imposed on all clients in a group of persons to which the client belongs (e.g. new admissions), the following procedures shall apply:
 - A) the client shall be informed of this restriction(s);
 - B) the restriction(s) shall be noted in the individual client

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

- record, and the reasons for the restriction(s);
- C) the restriction(s) shall be reviewed and so noted in the client's record by a supervisory professional staff member at least every three days;
 - D) the client shall be informed of his/her right to an explanation of the restriction(s) and her/his right and route of appeal;
 - 2) When a restriction(s) of privacy, movement, or communication is imposed upon all clients or a group of clients:
 - A) the restriction shall be included in the facility's written procedures; and
 - B) the description of the restriction(s) shall include a reason for the policy or procedure.
 - c) A written copy of the statement which describes the rights of the client shall be given to each client at intake. The client will attest by signature that she/he has received a copy of the statement of client rights.
 - d) The statement of client rights shall be posted in an area(s) accessible to clients at all times when services are being offered.
 - e) The client shall be informed of all elements in the statement of client rights in a language which she/he understands.
 - f) When medications are prescribed, the statement shall state that the client has the right, to the extent permitted by law, to refuse specific medications.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.315 Client Records

- a) The program facility shall maintain a written client record on each client.
 - 1) All client records shall be protected by a secure system, either in a secure room, locked cabinets, safe or similar container for hard copy records, or in computer records where access is limited.
 - 2) All entries in the client record shall be signed and dated.
 - 3) Records maintain on computer systems shall qualify as written records. However, records requiring signature must be maintained in hard copy.
 - 4) Client records on computer database shall have a back-up system to safeguard the records in the event of operator or equipment failure.
 - 5) Client records on a computer database must include a record of entry into the database and the name of the person making the entry.
 - 6) Client records on computer database must be secure from inadvertent or unauthorized access.
- b) The client record shall document the client's intake, assessment,

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

counseling, progress notes, other services provided by the facility, and/or discharge summary.

- c) The client record shall document all services performed at intake including:

1) documentation that the client has had benefit of full disclosure on levels and types of available services as outlined in Section 2058.312.

2) documentation that the client and the client's family have been informed of their rights.

A) In family treatment, the client record shall contain documentation that all treatment participants are informed of their rights.

B) If a separate record is established on family member(s) of the client in treatment, this record shall contain the same information required of treatment clients.

3) The client record shall contain documentation of the consent of the client, or, if family members will participate in treatment, family members, or guardians for admission, treatment, evaluation, aftercare, or research.

4) The client record shall contain identifying data recorded on facility-standardized form(s) which include the following:

- A) name;
- B) home address;
- C) home telephone number;
- D) date of birth;
- E) sex;
- F) race or ethnic origin;
- G) handicapping conditions;
- H) information on persons to be notified in the event of an emergency;
- I) education;
- J) religion;
- K) marital status;
- L) type and place of employment;
- M) date of admission to the facility;
- N) legal status, such as charges and convictions;
- O) date the information was gathered; and
- P) signature of the staff member gathering the information.

d) The client record shall provide documentation of services performed at assessment.

1) The client record shall provide documentation of any medical or psychological diagnosis(es) and other client assessment findings; and

2) the record shall contain reports of laboratory and/or other diagnostic procedures and reports of medical services when performed.

e) The client record shall provide documentation of services performed in treatment planning.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

f) Treatment plans shall be signed and dated by the client.

g) The client record shall provide documentation of services performed in treatment.

1) The client record shall contain reports of all medical services.

2) The client record shall provide progress notes for the review and evaluation of the treatment provided to the client including individual, group, or family therapy and any rehabilitation services provided.

3) The client record shall document the results of the treatment plan review.

4) The client record shall contain correspondence concerning the client's treatment and signed and dated notations of telephone calls concerning the client's treatment.

h) The client record shall document services performed at discharge.

1) A discharge summary shall be entered in the client record by the professional staff person assigned to maintain the treatment plan within 15 days following discharge.

2) The client record shall contain a notation of the reason for discharge and a plan for aftercare, unless the client left the facility prior to developing such a plan.

3) If a client dies, a summation statement describing the circumstances leading to death shall be entered in the record in the form of a discharge summary.

i) The client record shall document unexpected events, regardless of when they occur in the course of treatment including:

- 1) treatment complications;
- 2) accidents or injuries to the client;
- 3) illness; and
- 4) procedures that place the client at risk of bodily harm or cause severe pain.

j) The client records shall be maintained, controlled, and supervised by a designated staff member.

1) The designated staff member shall at least annually review the client record system and assure that the data and format of the client records meet the requirements of the annual services plan and the quality assurance system.

2) Client records shall be kept in the facility where the client is being treated and shall be directly accessible to the professional staff providing services to the client except that information which identifies the Human Immunodeficiency Virus (HIV) status of the client must be maintained in a separate, secured record which is accessible to the facility pursuant to Section 9 of the AIDS Confidentiality Act (Ill. Rev. Stat. 1989, Ch. 111 1/2, par. 303).

3) Data in the client record shall be used in training, research, the plan for professional services and quality assurance systems, provided that such data is collected in accordance with confidentiality guidelines.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

- k) Client records shall be maintained by a program for at least five years after discharge of the client.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.318 Confidentiality - Alcohol and Drug Abuse Patient Information

- a) The licensee shall have written policies and procedures controlling access to records and information which is governed by the Confidentiality of Alcohol and Drug Abuse Patient Records regulations (42 CFR 2.1987) of the Alcohol, Drug Abuse, and Mental Health Administration of the Public Health Service of the United States Department of Health and Human Services effective August 10, 1987, which is incorporated herein by reference, and Section 8-102 of the Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6358.2). Said policies and procedures shall be consistent with said regulations and statutes. The licensee shall comply with said regulations and statutes.

- b) This Section shall not prohibit:

- 1) disclosure of information about a crime committed by a patient at the program, or a threat to commit such crime;
- 2) disclosure of information about suspected child abuse or neglect, as allowed by, required by and consistent with state law;
- 3) disclosure of a patient's own records to the patient, or as consented in writing by the patient;
- 4) communications of information between or among personnel having a need for the information in connection with their duties either within the program or between the program and an entity having direct administrative control over the program;
- 5) disclosure of information to medical personnel if necessary in a medical emergency;
- 6) disclosure of information as authorized by an appropriate court order upon showing of good cause, after appropriate procedure and notice, and with appropriate safeguards against unauthorized disclosure contained in the order (as set forth in 42 CFR 2.61-2.67 (1987));
- 7) disclosure of information to qualified personnel for the purpose of conducting scientific research (as set forth in 42 CFR 2.52 (1987));
- 8) disclosure of information to qualified personnel who are authorized by law or who provide financial assistance for the purpose of conducting audit or evaluation activity (programmatic review or evaluation, quality review, financial or management audits, etc. (as set forth in 42 CFR 2.53 (1987)); and
- 9) any other disclosure not precluded by the regulations and statute cited in subsection (a) above, nor by any other applicable law, provided that any and all of the above disclosure is done consistent with the regulations and laws in subsection (a) above, is made only to the extent allowed, for the purposes allowed and

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

- c) that appropriate safeguards as required therein are provided. The licensee shall provide continuing training for all staff and specific orientation for all new personnel in the principles of confidentiality and privacy, and shall document such training.
- d) The licensee shall maintain files, records and information which are subject to the laws and rules cited in subsection (a) above, in a secure room, locked file cabinet, safe or other similar container when not in use.
- e) When a licensee stores client data in electronic or other types of automated information systems, security measures shall prevent inadvertent or unauthorized access to such data.
- f) Records, which are to be disposed of, shall be burned or deleted from electronic or automated systems or shredded to assure the confidentiality of client information.
- g) Except as authorized by an appropriate court order granted pursuant to the regulations and statute in subsection (a) above, no record referred to by said laws may be used to initiate or substantiate any charges against a patient or to conduct any investigation of a patient.
- h) The prohibitions of this Section apply to records concerning any individual who has been a client, regardless of whether or when he/she ceases to be a client.
- i) When the Department requests records or information which is subject to the regulations and statute in subsection (a) above for audit, evaluation, research or other authorized purpose from a program which is subject to licensure herein, it shall:
- 1) indicate the purpose for obtaining the information;
 - 2) agree in writing to maintain the information in accordance with security requirements of said laws;
 - 3) agree in writing to comply with limitations on disclosures in said laws;
 - 4) agree in writing to destroy all the information upon completion of its use; and
 - 5) indicate the authorized personnel to whom such information is to be submitted.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.319 Confidentiality - HIV Antibody and/or AIDS Status

- a) The licensee shall have written policies and procedures controlling access to records and information governed by the AIDS Confidentiality Act (AIDS Confidentiality Act), and the AIDS Confidentiality and Testing Code (77 Ill. Adm. Code 697) (AIDS Code).
- b) The confidentiality of the following information is protected by the AIDS Act and AIDS Code:
- 1) a request for and/or signed consent to do HIV antibody testing;
 - 2) an individual's HIV antibody or AIDS status;

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

- 3) the fact that an individual has been tested for HIV antibodies, and/or the result of an HIV antibody test, whether negative, positive or inclusive; and/or
- 4) participation in pre-test and/or post-test counseling.
- This Section shall not apply to HIV and/or AIDS risk reduction education and/or counseling, or other HIV and/or AIDS education which is provided to all clients and which does not identify any individual's risk of HIV infection and/or any individual's HIV status or AIDS status, and which does not involve HIV antibody test requests and/or HIV antibody pre-test and/or post-test counseling.
- c) When dealing with information governed by the AIDS Confidentiality Act and AIDS Code, this Section shall control, notwithstanding any other provisions of this Part to the contrary.
- d) The licensee shall provide continuing training for all staff (at least annually and specific orientation for all new personnel within 30 days of employment, in the principles of confidentiality and privacy in this Section, and shall document such training.
- e) An HIV antibody or AIDS test cannot be required as a condition of treatment, and, an individual cannot be required to sign an authorization for release of information concerning his/her HIV antibody test or HIV or AIDS status as a condition of treatment.
- f) An individual is not required to tell program staff; the executive director and/or the medical director, or anyone else, whether he/she has been tested for HIV antibodies, and/or the result of any such test.
- g) An individual who wishes to be tested for HIV antibodies must be informed that he may undergo testing on an anonymous basis.
- h) No information governed by the AIDS Confidentiality Act and the AIDS Code shall be released by a licensee, or by any member of its staff, to other staff members, including but not limited to the licensee's executive director, and/or to the licensee's medical director, and/or to any other person or entity, unless and until the individual in question has signed a legally effective release of information form, in accordance with the statute and rule, or unless such disclosure is otherwise authorized by statute and rule. Release of information which is allowed by consent or by statute and rule, shall be done only to the extent provided therein.
- i) Records which document an individual's risk for HIV infection, and/or which identify an individual's risk for HIV infection, and/or which identify an individual as having requested an HIV antibody test, and/or as having undergone such a test, and/or which identify an individual's HIV status or AIDS status, shall be maintained in the same manner as required for records which identify the HIV status of a client, as set forth in Section 2058.315(j)(2) of this Part.

(Source: Added at 15 Ill. Reg. 2597, effective February 4, 1991)

Section 2058.321 Medical Responsibility

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

- a) Medical Director
- 1) The facility shall designate a medical director who is licensed in Illinois to practice medicine in all its branches. The medical director may be part-time or serve on a consulting basis. The medical director shall:
 - 2) A) oversee all medical standards and procedures in the program including those for medical history, medical assessment, physical examinations, medical referrals, and medication of clients; and
 - B) prescribe procedures to manage medical and psychiatric emergencies.
- b) Medical Services
- Each facility shall develop medical procedures which include the following:
- 1) Admission Procedures
 - A) Within 24 hours of admission a medical history will be completed by staff as authorized by the medical director.
 - B) If the initial medical history is not taken by a physician, within 72 hours of admission a physician will review the medical history of the client by phone or in person when the program's physician approved policies indicate that such review is necessary and determine whether a physical examination is necessary. In residential program facilities a physical examination shall be done unless the client provides documentation of an examination done within seven days prior to admission, sufficient under the protocols of the medical director, and the protocols so allow. Social setting detoxification program facilities and facilities which provide outpatient program services, may request exception from this 72 hour deadline requirement, provided however, that each client will be offered a referral for a physical examination and the medical director requests such an exception. The exception request shall document referral protocols established by the medical director.
 - C) The medical director or other facility physician shall review every medical history and medical assessment within one (1) week in residential program facilities for those clients who remain in the facility and who are not receiving medication; within two (2) weeks in outpatient program facilities for those clients who are not receiving medication; within 72 hours in residential and outpatient program facilities where medication has been prescribed and has been verified by phone with the prescribing physician.
 - D) A client shall be referred for medical, surgical, psychiatric treatment, or laboratory services, as determined necessary by the medical director or other facility physician.

- 2) Program Service Agreement with Hospitals

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

- 2) medications brought into the facility by clients shall not be administered unless they can be absolutely identified and unless written orders to administer these specific drugs are given by the facility's authorized prescriber and are confirmed in writing in the client record;
- 3) self-administration of medication shall be permitted only when specifically ordered by the facility's authorized prescriber;
- 4) the self-administration of medication shall document the date, time, and dosage of all medications issued;
- 5) in those cases where clients are unable to self-medicate, medication shall be dispensed or administered only by a practitioner. Facilities may request exemption from these requirements provided that an alternate protocol for handling client-owned medications is submitted and that the protocol is approved by the medical director;
- 6) If the drugs that the client brings to the facility are not to be used, they are packaged, sealed, and stored, and, if approved by the facility's authorized prescriber, they are returned to the client, family, or significant others at the time of discharge.
- d) Security of Drug Stocks
 - 1) Security shall be maintained over controlled substances in accordance with the rules of the U.S. Drug Enforcement Administration (21 CFR 1301.71 - 1301.76 (1989)).
 - 2) Department investigators may transport controlled substances for sampling purposes or in the case seizure.
- e) Methadone Accounting Records
 - 1) All facilities using methadone shall utilize medication accounting forms supplied by the Department. These forms shall be completed, signed and forwarded to the Department on a weekly basis.
 - 2) All facilities using methadone shall utilize Department provided triplicate medication logs for dispensing methadone. These logs are official prescription forms which shall be signed by the facility's authorized prescriber and forwarded to this Department on a weekly basis.
- f) Disposal of Medication Inventories

Disposal of controlled substances shall be in accordance with U.S. Drug Enforcement Administration rules under (21 CFR 1307.2 (1989)).

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.327 Intake

- a) The facility shall have intake services which include screening and orientation activities.
- b) Written policies and procedures governing the intake process shall include the following:
 - 1) the criteria for admission to the facility;

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

A formal written agreement shall exist between the program and a licensed hospital(s) or medical center(s) in the community for the provision of emergency medical services for clients.

- c) Nursing Services

When nursing services are provided, a registered nurse plans, assigns, supervises, and evaluates nursing care.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.324 Medication Dispensary Services

- a) General

When included in the facility's plan for professional services, the facility shall provide medication dispensary services to meet the needs of clients, in accordance with the Medical Practice Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 400-1 et seq.); the Pharmacy Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 4121 et seq.); The Illinois Controlled Substances Act (Ill. Rev. Stat. 1989, ch. 56 1/2, par. 1101 et seq.); the Poison Prevention Packaging Act (15 U.S.C. 1471 et seq.); 16 CFR 1700.14; and rules and regulations of the U.S. Drug Enforcement Administration (21 CFR 1301.71-1301.76, 1304, and 1307.2 (1989)).
 - b) Exceptions for Take-home Medications - Methadone
 - 1) Programs shall follow the Food and Drug Administration (FDA) requirements as set forth at 21 CFR 291.505 (1989) for all take home medication. Programs shall obtain prior written approval from the Department for exceptions as referenced in 21 CFR 505 (1989) and where the exception calls for more than a three (3) day take home supply of methadone. The Department's Schedule H form shall be utilized for all exceptions that require prior written approval from the Department.
 - 2) A program shall maintain documentation of each exception it grants in the client record. Such documentation shall include, but need not be limited to, the following:
 - A) the circumstances that made the exception necessary;
 - B) the date(s) and location(s) involved;
 - C) the methadone dosage involved; and
 - D) the name, title and signature of the staff person who granted the exception.

Said documentation shall be available for review and verification by Department staff.
 - 3) Programs shall forward to the Department on the first day of each month a log listing all exceptions granted during the previous month.
- c) Program facilities which permit administration or dispensing of client-owned medications shall comply with the following:
 - 1) clients shall surrender all medications on admission to the facility;

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

- 2) the screening procedures for all applicants for admission;
 - 3) the procedures for client orientation to the program;
 - 4) the information to be obtained on all applicants for admission;
 - 5) the records to be kept on all applicants for admission including data needed to accommodate clients with handicapping conditions;
 - 6) the procedures to be followed including alternative referrals, when an applicant is found ineligible for admission; and
 - 7) the statistical data to be obtained during the intake process.
- c) Criteria for determining the eligibility of individuals for admission shall be stated in writing and available to all applicants or referrals for admission.
- d) Acceptance of a client for treatment shall be based on screening activities that result in the following conclusions (for residential program clients the screening and conclusions must be completed within 72 hours of the client's initial arrival at the facility):
- 1) the treatment required by the client is appropriate to the intensity and restrictions of care provided by the facility or program component;
 - 2) the treatment required can be appropriately provided by the facility; and
 - 3) the alternatives for less intensive and restrictive treatment are not available.
- e) Client orientation activities shall include the following:
- 1) a description of client rights as required in Section 2058.312;
 - 2) the nature and goals of the treatment program as well as procedures, and treatment that he/she will receive;
 - 3) an introduction to the professional staff member(s) who serves as the primary contact with the facility for the client;
 - 4) the hours during which services are available;
 - 5) the risks, side effects, and benefits of all medications and treatment procedures used, especially those that are experimental;
 - 6) the alternative treatment procedures that are available in the facility;
 - 7) the cost, itemized when possible, of services to be rendered;
 - 8) any limitations placed on duration of services;
 - 9) the rules and regulations of the facility applicable to the client's conduct; and
 - 10) the discharge plan.
- f) A written, dated, and signed informed consent form shall be obtained from the client, or the client's legal guardian, for use or performance of the following activities. Such consent shall be obtained from family members who also participate.
- 1) experimental medications;
 - 2) hazardous on experimental assessment procedures;
 - 3) recording on audiovisual equipment;
 - 4) participation of the client in research projects; or
 - 5) testing for Human Immunodeficiency Virus (HIV).

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

- g) The intake procedure shall include an initial assessment of the client and shall be performed by professional staff.
- h) Sufficient information shall be collected during the intake process to develop a preliminary treatment plan.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.330 Assessment

- a) The facility or program shall be responsible for conducting a complete clinical assessment of each client.
 - 1) The assessment shall include an examination of physical, emotional and behavioral, social, and, when the facility provides such services, recreational, legal, vocational, and nutritional client needs. Assessment shall be completed within 14 days of the client's admission to the facility.
 - 2) The program facility shall have written assessment protocols which establish minimum routine physical health assessment procedures, and routine laboratory procedures. In establishing the necessity for and extent of routine admission and laboratory studies, cost benefit factors shall be considered.
 - 3) Consideration of an individual client's needs shall include a determination of the type and extent of any special examinations, tests, or evaluations necessary for a complete assessment. Where special examinations, tests, or evaluations are necessary these services shall be provided by the facility or through referral.
- b) The program facility shall have a written procedure approved by the medical director concerning physical examinations.
 - 1) The steps employed in determining the need for a physical examination shall include the following:
 - A) reviewing when the client was last treated by a physician and when a physical examination was last performed;
 - B) determining whether the client is aware of the presence of any medical problem; and
 - C) determining what, if any, medication the client is taking.
 - 2) A physician shall make the final determination concerning the necessity for a physical examination in accordance with the requirements specified in Section 2058.321(b)(1)(B).
 - 3) If a physical examination or laboratory test(s) is determined to be necessary, the results of the examination or test(s) shall be documented in the client record and there shall be documentation to verify that the examination or test(s) is obtained during the client's present course of treatment, either directly by the facility or through referral.
- c) If a client is pregnant, or states that she believes that she may be pregnant, referral for appropriate services shall be arranged and shall be documented in the client's record.
- d) Program facilities shall document that a decision concerning the need

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

to perform a physical examination or laboratory test(s) was made prior to finalizing each client's treatment plan.

- e) A physical health assessment shall be completed within 72 hours after admission and shall include the following:

- 1) a medical history;
- 2) an alcohol and drug history; and
- 3) a determination of a client's risk for infection. If any documentation or record of a client's risk for HIV infection is maintained, it shall be treated as strictly confidential and be maintained pursuant to Section 2058.319.

- f) In residential program facilities serving adolescents, the physical health assessment shall include the above cited minimums and evaluations of the following:

- 1) motor development and functioning;
- 2) speech, hearing, and language functioning; and
- 3) visual functioning.

- g) The program facility shall have a written plan designed to refer clients to health care providers for necessary physical examinations and laboratory tests) when such services are not directly provided by the facility, and where primary health care is not available, shall advise clients of any resources which may be able to address a part of their need (e.g.: the local health department and public aid agency for Medicaid eligibility) and which would increase access to medical care.

- h) An emotional and behavioral assessment of each client shall be completed and entered in the client record.

- 1) The emotional and behavioral assessment includes the following:
 - A) an assessment procedure for the early detection of mental health problems that are life-threatening, are indicative of severe personality disorganization or deterioration, or may seriously affect the treatment or rehabilitation process,
 - B) a history of previous emotional or behavioral problems and treatment;
 - C) the client's current emotional and behavioral functioning; and
 - D) a history of prior treatment for alcoholism or other drug dependency or abuse.
- 2) Written assessment protocols shall establish criteria for direct psychiatric examinations, psychological assessments and other functional evaluations of language, self-care, social, affective, and visual-motor functioning, if included in the facility's plan for professional services.
- 3) In program facilities serving adolescents, the emotional and behavioral assessment shall include evaluation of the developmental age factors of the client.
- 4) In facilities serving the severely and chronically disabled, the emotional and behavioral assessment shall include identification of the range of community resources currently utilized by the

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

client.

- i) A social assessment of each client shall be completed and shall include information on the following:

- 1) environment and home;
- 2) religion;
- 3) childhood history;
- 4) military service history;
- 5) financial status;
- 6) the social, peer group, and environmental setting from which the client comes;
- 7) the client's family circumstances, including the constellation of the family group; the current living situation; and social, ethnic, cultural, emotional, and health factors, including drug and alcohol use in the family or usual living situation; and
- 8) a determination of the need for participation of family members or significant others in the client's treatment.

- j) A legal assessment of the client shall be completed including information on pending criminal charges or conditions of probation or parole.

- k) If a vocational or educational assessment of the client is undertaken, the assessment shall include the following:

- 1) vocational history; and
- 2) educational history, including academic and vocational training.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.333 Treatment Plans

- a) For each client there shall be a written, individualized treatment plan that is based on an assessment of the client's clinical needs and functional strengths and limitations. Such plans shall be signed and dated by a member of the professional staff.
- b) Development and implementation of the treatment plan shall be assigned to a member of the professional staff.
- c) The treatment plan shall be developed as clinical information becomes available. The initial treatment plan shall be formulated within fourteen (14) days of admission. Therapeutic efforts may begin before a fully developed treatment plan is finalized.
- d) Provisions shall be made for periodic assessment by the assigned primary professional staff person of the treatment plan and for revisions of the individualized treatment plan based on changes in the client's condition. Treatment plan review shall include reading the plan and writing notes on the plan to indicate what has been achieved. This review does not require physician sign-off (unless required by Medicaid). The review must be signed and dated by the assigned primary professional staff person and the client. The treatment plan shall be reviewed during each client's treatment course. These review times include:

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

- 1) the time of admission, transfer, and discharge;
 - 2) a change in the level of client functioning such as, but not limited to, when treatment plan objectives are met or new problems or needs are identified;
 - 3) the end of the estimated length of treatment and thereafter on the revised estimate of additional length of treatment;
 - 4) every month of intensive outpatient care and every two (2) months of outpatient care; or
 - 5) every thirty (30) days of residential care.
- e) The treatment plan shall include referrals for needed services that are not provided directly by the facility.
- f) The treatment plan shall contain specific objectives that relate to goals for the client, are written in measurable terms, and include expected achievement dates within the time frame of the client's participation in the program. The treatment plan shall include AIDS risk reduction counseling and education services.
- g) The treatment plan shall describe the services, activities, referrals, and consultations planned for the client and shall specify the staff member(s) assigned to work with the client.
- h) The treatment plan shall specify the frequency of treatment activities and services.
- i) The treatment plan shall delineate the specific criteria to be met for termination of treatment.
- j) The client shall participate in the development of his or her treatment plan, and such participation shall be documented in the client record and shall include the client's dated signature.
- k) A specific plan for involving the family or significant others shall be included in the treatment plan.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.336 Progress Notes

- a) Progress notes shall reference the client's treatment plan; they shall be entered in the client record and shall include the following:
- 1) documentation of all counseling and other services rendered to the client;
 - 2) chronological documentation of the client's clinical course;
 - 3) descriptions of each change in each of the client's conditions; and
 - 4) descriptions of the response of the client to treatment(s), the outcome of treatment, and the response of significant others to events in the course of treatment.
- b) Progress notes shall be dated and signed in ink by the individual providing the service to the client and making the entry. Such notes shall be made by personnel identified by the program's plan for professional services to perform such services for the client.
- c) All entries involving subjective interpretation of the client's

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

progress shall be supplemented with a description of the actual behavior observed.

- d) Efforts shall be made to secure written progress reports for clients receiving services from outside sources, i.e., written or documented telephone request. When available, client records from outside sources shall be included in the client record.
- e) Progress notes shall be used as the basis for reviewing treatment plans.
- f) The results of any case review which describes the client's progress toward stated goals and objectives shall be recorded.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.339 Discharge Summary and Aftercare

- a) A discharge summary shall be entered in the client record within fifteen (15) days following discharge and shall include a summary which includes:
- 1) the course and progress of the client with regard to each identified objective in the treatment plan;
 - 2) the summary conclusions, including general observations and understanding of the client's condition at discharge; and
 - 3) the recommendations and arrangements for further treatment, including prescribed medications and aftercare.
- b) A written aftercare plan for continuing treatment shall be documented which describes the responsibility of the facility for facilitating the transfer of the client to another phase or modality of the facility, to another facility, to another service agency, to an individual, or to independent living status, where possible.
- 1) The aftercare plan shall be in accordance with the client's assessed needs at the time of transfer or discharge.
 - 2) The aftercare plan shall be developed with the participation of the client and the family, guardian, or significant other when these persons are participants in the treatment of the client.

Section 2058.342 Infection Control

- a) In all outpatient programs where staff collect urine or come in contact with body fluids, and in any outpatient program where the medical director determines that there is a need for such, and in all residential programs, a system shall be maintained for reporting, evaluating, and maintaining records of infectious diseases among clients and personnel. Such system shall be in compliance with Section 2058.319 HIV confidentiality requirements.
- b) Infection control shall include procedures and requirements for handling body fluids and waste in accordance with guidelines issued by the U.S. Centers for Disease Control (Guidelines for Prevention of Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

- Health-Care and Public-Safety Workers. MMWR 1989; 38 (no. S-6)).
- c) All new employees in such programs shall be instructed in the importance of infection control and personal hygiene, in their responsibilities in the infection control program, and in the guidelines in subsection (b) above within 30 days of employment. The facility shall maintain documentation that such in-service training has been provided to all employees within 30 days.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.343 HIV Infection and AIDS Related Training

- a) Each licensee shall require that each and every staff member (whether professional, administrative or support staff, whether he administers direct or indirect services and whether he is a full or part time employee or independent contractor), shall be trained on the fundamentals of HIV infection and AIDS. Training for direct service personnel shall be completed and documented within six (6) months of the effective date of this rulemaking and for other personnel by July 1, 1992. Thereafter, any and all new personnel shall receive the training herein within one year of their date of hire. Within 30 days of employment, however, such new employees shall be provided with initial orientation as to the issues herein, and with a training plan to meet the requirements herein.

- b) Training shall include but need not be limited to the following elements:

- 1) the etiology and transmission of HIV infection and associated risk behaviors;
 - 2) symptomatology and clinical progression of HIV infection and AIDS;
 - 3) prevention of transmission, or risk reduction;
 - 4) the purpose, uses, and meaning of available testing and test results; and
 - 5) the confidentiality issues as set forth in Section 2058.319.
- The elements shall be tailored to the duties of the staff member receiving training.
- c) The personnel file of each such staff member shall contain documentation of compliance with this Section including the title, date(s) and location(s) of the training attended and the signature (with date) of the staff member who attended the training.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.345 Sterile Supplies and Equipment

- a) When a facility utilizes sterile supplies or equipment, there shall be procedures for their handling, maintenance, and use.
- b) The policies and procedures shall include the following:

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

- 1) the receipt, cleaning, disinfection, reesterilization, and preparation of reusable supplies;
 - 2) the assembly, wrapping, identification, storage control, and distribution of supplies;
 - 3) the use, maintenance, and inspection of sterilizing equipment or sterilizing liquids or gases;
 - 4) the acquisition of supplies when the usual dispensing unit is closed;
 - 5) the recall and disposition of supplies when a hazard connected with such supplies is identified; and
 - 6) the cleaning and sanitizing of work spaces used in the preparation of sterile supplies.
- c) A staff member shall be assigned responsibility for implementing and documenting policies and procedures.

Section 2058.348 Food Services

- a) Facilities that provide 24-hour care, or that provide meals to clients, shall have a written plan for the provision of food services which describes either the organization of the food service and the delivery of food services or the arrangements for the provision of such services to clients.
- b) If food services are provided by an outside company, the contract between the facility and the company shall require the company to comply with the facility's written plan and with the standards required by this Section.
- c) In implementing the food service plan and procedures, the facility shall include the following:

- 1) delineation of the responsibilities and authority of the cook(s) and the food service staff;
 - 2) the recording of special dietetic orders or the need for dietetic counseling in the client record;
 - 3) standards for nutritional care in evaluating the nutritional adequacy of the client's diet and in ordering diet supplements;
 - 4) procedures for altering diets or diet schedules as well as for discontinuing diets;
 - 5) procedures for the forwarding of diet information of a client upon discharge or transfer to another facility when the diet was ordered by a facility physician;
 - 6) requirements for ancillary food services, including food storage and preparation in kitchens or client units, vending operations, and ice making;
 - 7) the maintenance of safe and sanitary conditions in the preparation and handling of food, the care and cleaning of equipment and work areas, and the washing of dishes; and
 - 8) requirements for food purchasing, storage, preparation, and services.
- d) The nutritional aspects of client care shall be under the direction of

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

the qualified dietitian or other person(s) who are supervised by the qualified dietitian.

- e) At least one qualified dietitian shall be employed on a full-time, part-time, or consultative basis.

1) The qualified dietitian shall be registered or eligible for registration by the Commission on Dietetic Registration or have the documented equivalent in education, training, and/or experience.

- 2) When a qualified dietitian is employed on a part-time or consultative basis, the dietitian shall devote time to:

A) direct the nutritional aspects of client care;

B) assure that dietetic instructions are carried out;

C) on occasion, supervise the serving of meals; and

D) assist in the evaluation of the food service.

- 3) When a qualified dietitian is employed on a consultative basis, written reports shall be submitted at least once each calendar quarter on the services provided by the dietitian.

f) Space, equipment, and supplies, as well as any necessary written procedures and precautions, shall be provided for the safe and sanitary operation of the food service and the safe and sanitary handling and distribution of food.

- 1) All walk-in refrigerators and freezers, whether or not they shall be used, shall be capable of being opened from the inside.

2) Hot and cold water pipes, water heaters, refrigerators, compressors, condensing units, and uncontrolled heat-producing equipment shall be insulated.

- 3) The role of the food service staff in the program's internal and external disaster plan shall be defined.

4) All food supplies shall be stored in an area separate from that in which non-food supplies are stored. "Area" shall be construed to mean shelf or other space and not necessarily a room.

- 5) The health requirements for clients assigned to the food service for therapeutic or vocational purposes shall be the same as for food service employees, as set forth in 77 Ill. Adm. Code 750.

6) Plastic ware, china, glassware, or similar items that have lost their glaze or are chipped or cracked shall be discarded.

7) Dishwashing and utensil washing equipment and techniques that sanitize serviceware and prevent contamination shall be used.

- g) In residential program facilities, unless medically contraindicated, between meal or bedtime snacks and beverages of nourishing quality, e.g. fruits and nuts, shall be available.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.351 Emergency Services

- a) The program facility shall have a written plan delineating the manner

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

in which emergency client care services are provided, either by the facility or through clearly defined arrangements with another facility or both.

- b) All detoxification treatment program facilities shall have a written plan for providing emergency care and services for clients which includes the following:

1) the facility staff who are available and authorized to provide necessary emergency evaluations or triage;

2) the facility staff who are authorized to arrange for clients to be referred or transferred to another facility when necessary;

3) the arrangements the facility has made for exchanging records with the outside facility when it is necessary for the care of the client;

4) the location of the outside facility and the names of the appropriate personnel to contact;

5) the method of communication between the two facilities;

6) the arrangements the facility has made for transporting clients, when necessary, to the outside facility providing emergency services;

7) the requirements for referring clients needing continued care after emergency services back to the referring facility; and

8) procedures concerning notification of the client's family of emergencies and referrals or transfers to another facility.

- c) All other licensed treatment program facilities shall have a written plan for providing emergency care and services for clients which includes the following:

1) the facility staff who are available and authorized to provide necessary emergency evaluation or triage;

2) the facility staff who are authorized to arrange for clients to be referred or transferred to an outside facility such as a hospital; and

3) procedures concerning notification of the client's family of emergencies and transfers to another facility.

d) Emergency service plans shall be available to all professional staff.

e) As part of the program facility's quality assurance system, the quality and appropriateness of client care provided by the emergency service shall be monitored and evaluated, and identified problems resolved.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.354 Referrals and Consultation

- a) The program facility shall have written policies and procedures for referral of clients between the facility and other service providers in the community describing the conditions under which referrals can be made including:

1) requirement for obtaining written consent from the client for

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

transfer of appropriate portions of the case record based upon the judgment of the clinical staff, and for reporting back to the referring program regarding treatment activities if such information is requested in conformance with confidentiality requirements specified in Section 2058.318 of this Part;

- 2) the methods by which continuity of care is assured for the client including:

- A) information on the reason for the referral;
- B) information on the client's treatment (e.g., current treatment, diagnostic assessments, and special requirements);
- C) services needed or requested;
- D) request for continued coordination between the referring and the receiving resource; and
- E) request for a follow-up report within a designated time period.

- 3) The written policies and procedures shall describe the mechanism by which a client may request a referral.

- b) The program facility shall have letters of agreement or contracts with the community service providers it uses more than once each month.

- c) The program facility shall have written policies and procedures for referral of clients between other services offered by the facility or the parent organization of the facility describing the conditions under which referrals can be made, including:

- 1) requirement for obtaining written consent where needed to assure compliance with confidentiality provisions specified in Sections 2058.318 and 2058.319 of this Part;
- 2) methods for transfer of client information necessary for the referral or consultation;
- 3) requirements for a follow-up report within a designated time period; and
- 4) the mechanism by which a client may request a referral.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.357 Special Treatment Procedures

- a) Special treatment procedures shall include, the following:

- 1) the use of seclusion;
- 2) the use of investigational new drugs as defined by the U.S. Food and Drug Administration;
- 3) the prescribing and administering of drugs that are known to the medical director to involve a substantial risk to the client or to be associated with undesirable side effects, such as lithium carbonate; and
- 4) research activities or projects that involve risk to the client as defined in Section 2058.360.

- b) The rationale for using special treatment procedures shall be clearly

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

stated in the client record.

- c) The client behavior and any other indicators for the use of special treatment procedures shall be documented in the client record.

- d) The program facility shall have written policies and procedures that limit the use of seclusion, including:

- 1) each written order for seclusion shall be time limited and shall not exceed 24 hours;

- 2) seclusion shall be utilized by members of the facility's professional staff as defined in the plan for professional services;

- 3) all uses of seclusion shall be reported daily to the head of the professional staff or his or her designee;

- 4) the head of the professional staff or his or her designee shall review daily all uses of or seclusion and shall include his or her written review in the client record; and

- 5) a client in seclusion shall be viewed every fifteen (15) minutes and special attention given regarding regular meals, bathing, and use of the toilet and there is documentation in the client record that such attention was given to the client.

- e) The program facility shall have written policies and procedures that shall govern the use of unusual medications and investigational new drugs, including:

- 1) investigational new drugs shall be reviewed before use by an Institutional Review Board as specified in Section 45 CFR 46 (1987);

- 2) investigational new drugs shall be used only under the direct supervision of the principal investigator and with the approval of a physician member of the professional staff;

- 3) the written informed consent of the client (or his or her parent(s) or legal guardian(s) depending on legal status) in the client's native language or in a language that the client can understand for the use of investigational new drugs shall be obtained and made part of the client record;

- 4) the client (or his or her parent(s) or legal guardian(s), depending on legal status) may withdraw consent at any time; and
- 5) the denial or withdrawal of consent to take investigational new drugs shall not be cause for denying or altering services for the client.

- f) The program facility shall have written policies and procedures that govern the prescribing and administering of drugs that are known to the medical director to involve a substantial risk or be associated with undesirable side effects, such as lithium carbonate. Such drugs shall be prescribed and administered only when the following criteria are met:

- 1) a physician has reviewed the client record and has recorded the reasons for prescribing the drug(s) in the client record; and
- 2) prior to the prescribing or administration of the drug, the client and, the client's parent(s) or guardian depending on legal

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

status, are informed orally and in the client's native language or in a language that the client can understand of the benefits and hazards of the drug.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.360 Human Research Projects

When a program facility conducts or participates in research with human subjects, policies and procedures shall be designed and written to assure that such projects or activities are conducted in accordance with standards set forth by the U.S. Department of Health and Human Services at 45 CFR 46 (1987).

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.363 Rehabilitation Services

a) In the event that the program facility's plan for professional services includes rehabilitation services, these rehabilitation services shall include one or more of the following:

- 1) activity services, including physical, social, cultural, or recreational activities.
- 2) facilities shall provide or make arrangements for the provision of education services to meet the needs of all clients aged twenty-one (21) and under who are not handicapped and have not received a high school diploma. Where the client has been identified as handicapped in accordance with Section 10-20.12 of The School Code (Ill. Rev. Stat. 1989, ch. 122, par. 10-20.12), services must be provided or arrangements made for the provision of such services through the twenty-first birthday.

A) Facilities providing educational services directly must provide these services in accordance with The School Code (Ill. Rev. Stat. 1989, ch. 122, par. 1-1 et seq.) and 23 Ill. Adm. Code 226.

B) Facilities providing educational services by referral or through cooperative agreements shall make such arrangements with schools complying with Section 10-20.12 of The School Code.

3) Counseling on specific vocational needs, vocational strengths and weaknesses, demands of current or future jobs, responsibilities for holding a job, and the problems related to vocational training, placement, and employment.

b) In implementing one or more of the components of the program facility's rehabilitation service, the facility will insure that:

- 1) vehicles used for transportation shall not be labeled in a manner that reveals that the client is enrolled in treatment;
- 2) activity, educational, or vocational services are included in the facility's quality assurance system;

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

- 3) activity, educational, or vocational services offered shall be consistent with the client's individualized treatment plan; and
- 4) the client record shall include a record of activity, educational or vocational services including dates and descriptions of the services.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.366 Toxicology

Any licensee under this Part which performs blood or urinalysis testing shall obtain licensing in accordance with the standards established by the Illinois Department of Public Health under the Illinois Clinical Laboratory Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 621-101 et seq., as amended), and the Illinois Clinical Laboratories Code. Further, it must obtain prior written approval from the Department before such operation. The Department, pursuant to interagency agreement with the Department of Public Health, shall determine facilities within their jurisdiction which are "designated agencies" for the purposes of the Illinois Clinical Laboratories Code (77 Ill. Adm. Code 450).

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.369 Use of Methadone

a) Program facilities licensed under this Part and using methadone in the treatment of opioid addiction shall comply with the provisions of (21 CFR 291.505 (1989)), except that no client shall receive more than a three-day take home supply of medication without a specific written exemption from the Department.

b) In addition, all licensed methadone programs are required to obtain the social security number for each client. This number is to be used in all circumstances requiring client identification; i.e., medication logs, take-home bottles, exception requests, and general correspondence. Facilities are prohibited from issuing their own identification numbers for clients receiving methadone.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.372 Residential Programs

The following requirements shall apply to all types of residential treatment programs:

- a) Residential treatment programs shall provide professional staff who are on duty and awake at all times, 24 hours per day, seven days per week.
- b) In mixed use facilities, such as facilities where a social setting detoxification program and a halfway house program share the same facility, staff may be shared, but the most stringent staffing

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

requirements shall prevail.

- c) Each residential program facility serving disabled clients or clients whose mobility is limited shall have a written evacuation plan for people who are hearing impaired, visually impaired, use wheelchairs, or need assistance in moving about the facility.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.374 Adult Residential Rehabilitation Programs

- a) Residential rehabilitation treatment programs serving adults shall provide for a minimum of 25 hours per week of clinical services to clients in addition to the staffing requirements shown in Section 2058.372.

- b) Residential rehabilitation treatment programs serving adults shall be permitted to admit clients who are aged sixteen (16) and seventeen (17) years provided that the results of the client screening activities required under subsections 2058.327(c) and (d) indicate that the behavior and experiences of these individuals is appropriate to the services being provided to older clients, such as the client's experience in independent living. Separate sleeping areas or bedrooms shall be provided for these adolescents.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.376 Adolescent Residential Rehabilitation Programs

- a) Residential rehabilitation treatment programs serving adolescents shall provide for a minimum of 25 hours per week of clinical services to clients in addition to the staffing requirements shown in Section 2058.372.

- b) At least one full time staff member or equivalent of the program's professional staff shall have specific training in child development, including a minimum of fifteen (15) college credit hours in courses related to the topic.

- c) Residential rehabilitation treatment programs serving adolescents shall be permitted to admit clients who are aged eighteen (18), nineteen (19), and twenty (20) years provided that the results of the client screening activities required under subsections 2058.327(c) and (d) indicate that the behavior and experiences of these individuals is appropriate to the services being provided to younger clients, such as the client's lack of experience in independent living.

- d) If the adolescent residential rehabilitation program facility admits both male and female clients, then the program shall provide both male and female staff on duty at all times.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

Section 2058.378 Halfway House Program Facilities

- a) Halfway house program facilities may substitute clients who have been in residence in the facility without relapse for at least three (3) months for not more than one-half of the requirements for staff 24 hours per day, seven days per week.

- b) Halfway house program facilities serving adults shall be permitted to admit clients who are aged seventeen (17) years provided that the results of the client screening activities required under subsections 2058.327(c) and (d) indicate that the behavior and experiences of these individuals is appropriate to the services being provided to older clients, such as the client's experience in independent living.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.380 Social Setting Detoxification Program Facilities

- a) Social setting detoxification program facilities shall provide for at least two staff persons who are on duty and awake at all times, 24 hours per day, seven days per week.

- b) Social setting detoxification program facilities shall be permitted to admit clients who are aged seventeen (17) years provided that the results of the client screening activities required under subsection 2058.327(c) and (d) indicate that the behavior and experiences of these individuals is appropriate to the services being provided to older clients, such as the client's experience in independent living.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.382 Adult Medical Detoxification Program Facilities

- a) Medical detoxification program facilities serving adults shall provide for at least two staff persons who are on duty and awake at all times, 24 hours per day, seven days per week. One of these staff must be a registered medical professional such as a registered nurse, emergency medical technician, or physician.

- b) Medical detoxification program facilities serving adults shall be permitted to admit clients who are aged seventeen (17) years provided that the results of the client screening activities required under subsections 2058.327(c) and (b) indicate that the behavior and experiences of these individuals is appropriate to the services being provided to older clients, such as the client's experience in independent living.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.384 Adolescent Medical Detoxification Program Facilities

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

- a) Medical detoxification program facilities serving adolescents shall provide for at least two staff persons who are on duty and awake at all times, 24 hours per day, seven days per week. One of these staff must be a medical professional such as a registered nurse, emergency medical technician, or physician.
- b) Medical detoxification program facilities serving adults shall be permitted to admit clients who are aged eighteen (18) and nineteen (19) years provided that the results of the client screening activities required under subsections 2058.327(c) and (d) indicate that the behavior and experiences of these individuals is appropriate to the services being provided to younger clients, such as the client's lack of experience in independent living.
- c) If the medical detoxification program facility serving adolescents admits both male and female clients, then the facility shall provide both male and female staff on duty at all times.
- d) At least one full time staff member or equivalent of the medical detoxification program facility professional staff shall have specific training in child development, including a minimum of fifteen (15) college credit hours in courses related to the topic.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.386 Outpatient Programs

The following requirements shall apply to all types of outpatient treatment programs:

- a) Outpatient treatment programs shall provide staff who are on duty during all published hours of facility services and during all times when clients are present in the facility.
- b) In mixed use facilities, such as facilities where an adolescent outpatient program and an intensive outpatient program for adults share the same facility, staff may be shared, but the most stringent staffing requirements shall prevail.
- c) Each outpatient program facility serving disabled clients or clients whose mobility is limited shall have a written evacuation plan for people who are hearing impaired, visually impaired, use wheelchairs or need assistance in moving about the facility.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.388 Adult Outpatient Program Facilities

Outpatient program facilities serving adults shall be permitted to admit clients who are aged sixteen (16) and seventeen (17) years provided that the results of the client screening activities required under subsections 2058.327(c) and (d) indicate that the behavior and experiences of these individuals is appropriate to the services being provided to older clients, such as the client's experience in independent living.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.390 Adolescent Outpatient Program Facilities

- a) At least one full time staff member or equivalent of the program's professional staff shall have specific training in child and teen development, including a minimum of five (5) college credit hours in courses related to the topic.
- b) Adolescent outpatient treatment program facilities shall be permitted to admit clients who are aged eighteen (18), nineteen (19), and twenty (20) years provided that the results of the client screening activities required under subsections 2058.327(c) and (d) indicate that the behavior and experiences of these individuals is appropriate to the services being provided to younger clients, such as the client's lack of experience in independent living.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.392 Adult Intensive Outpatient Programs

- a) Intensive outpatient treatment program facilities serving adults shall provide for a minimum of (15) hours per week of services from professional staff to clients in addition to the staffing requirements shown in Section 2058.386.

- b) Intensive outpatient treatment program facilities serving adults shall be permitted to admit clients who are aged sixteen (16) and seventeen (17) years provided that the results of the client screening activities required under subsections 2058.327(c) and (d) indicate that the behavior and experience of these individuals is appropriate to the services being provided to older clients, such as the client's experience in independent living.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.394 Adolescent Intensive Outpatient Programs

- a) Intensive outpatient treatment program facilities serving adolescents shall provide for a minimum of nine (9) hours per week of services from professional staff to clients in addition to the staffing requirements shown in Section 2058.386.

- b) At least one full time staff member or equivalent of the program's professional staff shall have specific training in child and teen development, including a minimum of fifteen (15) college credit hours in courses related to the topic.

- c) Intensive outpatient treatment program facilities serving adolescents shall be permitted to admit clients who are aged eighteen (18), nineteen (19), and twenty (20) years provided that the maturity and clinical needs of these individuals are appropriate to the services

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

being provided to younger clients.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.396 Adult Medical Detoxification Programs

- a) Medical detoxification program facilities serving adults shall provide for at least two staff persons who are on duty during program hours of operation and whenever clients are in the facility. One of these staff must be a medical professional such as a registered nurse, emergency medical technician, or physician.
- b) Medical detoxification program facilities serving adults shall be permitted to admit clients who are aged seventeen (17) years provided that the results of the client screening activities required under subsections 2058.327(c) and (d) indicate that the behavior and experiences of these individuals is appropriate to the services being provided to older clients, such as the client's experience in independent living.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

SUBPART D: INTERVENTION

Section 2058.400 Identification Function

- a) In accordance with Chapter 5 of the Unified Code of Corrections (Ill. Rev. Stat. 1989, ch. 38, par. 1005-1-1 et seq.) and Section 6-206.1 of the Illinois Driver Licensing Law (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 6-206.1), the Department is empowered to license professional evaluation programs which identify the nature and extent of the use of alcohol or other drugs by anyone arrested for driving under the influence (DUI) of alcohol or other drugs.
- b) In accordance with Section 10-101 of the Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6360-1), the Department is empowered to authorize and license a designated program to provide the service of identifying persons convicted of crimes and also having substance abuse problems as being eligible to elect treatment as an alternative to incarceration.

(Source: Amended at 15 Ill. Reg. 2597, effective February 4, 1991)

Section 2058.405 Regulation

The Department has promulgated Rules for the licensing and regulation of DUI evaluation, DUI remedial education, and BASSET programs under 77 Ill. Adm. Code 2056. Programs subject to such licensure shall comply with 77 Ill. Adm. Code 2056.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

(Source: Amended at 15 Ill. Reg. 2597, effective February 4, 1991)

Section 2058.410 Designated Program

- a) The Department shall designate a single organization to serve as the designated program pursuant to the requirements of Section 1-103 and Sections 10-101 through 10-103 of the Act.
- b) The authorized program representative of the designated program shall meet the requirements set forth in Section 2058.300.
- c) The designated program shall provide the services and activities set forth in subsections (e) and (m) in a uniform manner in all districts or circuits of the Illinois Courts, and shall assure that these services and activities are uniform throughout the State whether provided directly or by subcontract or referral. Each facility of the designated program shall enter into an inter-agency agreement with the chief judge of each circuit court receiving services from the facility concerning the operating procedures of the court in relation to such services.
- d) The designated program shall establish and maintain a plan for professional services in accordance with the requirements set forth in Section 2058.306.
- e) The designated program shall establish and maintain a quality assurance system in accordance with the requirements set forth in Section 2058.303.
- f) The designated program shall maintain a system of client records which requires a record on each individual screened by the designated program, which includes:
 - 1) identifying information as required in Section 2058.315(c)(4) of this Part;
 - 2) results and findings of the screening service including data collected in determining the results, written notification of the results to the client, and documentation of notification of the results to the court;
 - 3) all correspondence and information related to the screening process for the client such as the criminal history, health records, and self-reported information from the client. When it has been determined that the client has a previous sentence to probation, the designated program shall contact the probation department, under whose supervision the client had been placed. If a release of confidential information has been obtained, the designated program shall request a statement from the probation department summarizing the probation records on the client, including known history of alcohol or drug usage; the name(s) of any treatment agency to which the client was previously referred; and record of compliance with court-ordered conditions;
 - 4) any court orders or records of judicial proceedings related to screening activities; and
 - 5) any informed consent documents required for screening.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

g) Client management services of the designated program shall include:

- 1) intake services required in Section 2058.327;
- 2) written policies and procedures that state the objectives of the case management function including assisting the client in securing treatment, assisting the court in final dispositions, and assisting the treatment system in identifying special treatment needs;
- 3) written procedures defining recordkeeping requirements. The procedure shall provide for files containing documentation of each client's treatment experience, which must include:
 - A) case management notes which document a client's compliance with toxicology requirements as required by Section 2058.366(c), court appearances and reports, and reports from treatment providers;
 - B) documentation that a treatment provider has accepted the criminal justice referral client;
 - C) written notification from the designated program to the courts and to the supervising probation department acknowledging a client's acceptance into treatment;
 - D) written reports from the treatment provider relating to the client's progress in treatment;
 - E) warning letters which are written communication to clients regarding a failure to meet program obligations;
 - F) jeopardy meeting reports which document official sanctions taken against clients who have received warning letters concerning failure to meet program obligations. The jeopardy meeting is attended by the client and at a minimum, the case manager from the designated program. Notice of the date, time and location of the jeopardy meeting shall be sent to the supervising probation department 72 hours in advance to enable the Probation Officer to attend;
 - G) case conference meeting reports which are documentation of meetings with the client to discuss such matters as verbal warnings, transfer, and discharge;
 - H) reports of criminal justice referral treatment progress which are monthly reports generated from the designated program the court and to the Supervising probation department which describe a client's treatment status or progress in treatment;
 - I) reports of criminal justice referral client discharge which are notices issued to the courts by the designated program which describe a client's successful or unsuccessful treatment and discharge. Verbal notice and status information on the client at the time of discharge shall be given to the supervising probation department within 24 hours of the time of discharge, excluding Saturday, Sunday and court holidays. Written reports of successful discharge will contain the following: client's intended residency if

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

- known; summary of treatment progress; and recommendations for further treatment. These reports shall be sent to the supervising probation department and court within ten (10) days of discharge. Reports of unsuccessful discharge will be sent within three (3) days and shall contain the following: client's intended residency, if known; instructions given for continued contact with the designated program and supervising probation department; and specific reasons for the unsuccessful discharge;
- J) consent to release information forms;
 - K) court order which include documentation remanding a client for assessment and other documents relating to the terms of probation;
 - L) written request/response for parole or probation consent which is the statutorily mandated consent of the parole or probation department as set forth in Section 10-101(e) of the Act to divert a client to the designated program, if the client is on parole or probation;
 - M) general correspondence from criminal justice system personnel;
 - N) documentation to the courts regarding the designated program's findings in the initial assessment of a client. These findings shall be provided to the probation department when a pre-sentence investigation is being conducted on the client, unless otherwise ordered by the Court;
 - O) court and other transactions which are a systematic documentation of all client or court activities;
 - P) the evaluation document which contains information collected by the designated program to determine the client's degree of substance abuse and the client's readiness for treatment;
 - Q) client summary and referral information which is forwarded to treatment providers;
 - R) criminal justice referral client agreements which are documents signed by the client to consent voluntarily to treatment. These documents are updated if the consent expires while the client is in treatment;
 - S) prior treatment information, including client records; and
 - T) psychological evaluation reports.
- 4) The designated program shall secure and maintain mutual service agreements with all treatment facilities used for referral in order to accomplish accurate and thorough documentation of client treatment progress or lack of progress.
 - 5) There shall be a written procedure defining client responsibilities and criteria for measuring treatment progress.
 - 6) There shall be a written procedure defining methods for periodic client evaluation and intervention should a client fail to comply with treatment requirements specified in the client's treatment plan.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

- 7) There shall be a written procedure defining methods for uniform application of standardized case management services and policies in all judicial circuits and counties in Illinois.
- 8) There shall be an information system guaranteeing standardized collection, maintenance, and analysis of individual and aggregate client data. This information is used for operating a quality assurance system and for developing a plan for professional services.
- h) Client Discharge
- 1) The designated program will maintain procedures defining the uniform application of a standardized system for client discharge in all judicial circuits and counties in Illinois, including communications with probation departments regarding discharge plans.
 - 2) The designated program will review treatment progress reports or other written communication with the client's counselor to determine if the client's attendance record, urinalysis or breathalyzer results, or behavior have violated the designated program's criteria and that a change in the client's status with the treatment facility is justified.
 - 3) The designated program shall have a written policy specifying the situations that may lead to a change in client status and the procedure to be followed when such a situation is reported.
- i) Reporting Functions
- 1) There shall be a written procedure for preparing and presenting written reports to the court and other appropriate criminal justice system officials regarding findings of assessment.
 - 2) There shall be a written procedure for preparing and presenting written reports informing the court, the supervising probation department, and other criminal justice system officials as required by the court, of the client's initial or any subsequent placement in treatment. These reports will minimally include: the treatment facility or agency name, address and telephone number; the name of the counselor assigned to the case; the name, address and telephone number of the designated program personnel responsible for the case, and the date of placement in treatment.
 - 3) There shall be a written procedure for preparing and presenting to the court and to the supervising probation department monthly evaluations of a client's treatment progress.
 - 4) There shall be a written procedure for preparing and presenting to the court, the supervising probation department and other criminal justice system officials designated by the court, a written report of the objective facts of the client's treatment rehabilitation at client discharge. These procedures shall be reflective of subsection(h)(3)(i).
 - 5) There shall be a written procedure defining methods guaranteeing uniform application of standardized reporting services in all

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

- judicial circuits and counties in Illinois. Copies of these policies and procedures shall be made available to all courts and probation departments throughout the State.
- j) Court Services
- 1) There shall be a written policy that clearly states the objectives of services provided to the court.
 - 2) There shall be a written procedure for documenting all court appearances, including status and violation hearings, which must include a process for recording the decisions of the court and the required subsequent actions. The procedure must describe the activities to be performed before, during, and after the hearing, and designate the person or persons responsible for their execution.
 - 3) There shall be a written policy concerning judicial requests to reassess discharged clients.
 - k) The designated program shall comply with the requirements for assuring the confidentiality of client information as set forth in 42 CFR 2 (1987) and as required in Sections 2058.318 and 2058.319 of this Part.
 - l) If the designated program conducts or participates in research projects involving human subjects, the designated program shall comply with the requirements set forth by the U.S. Department of Health and Human Services in 45 CFR 46 (1987).
 - m) Toxicology services performed by the designated program shall comply with the requirements set forth in Section 2058.366 (Toxicology), 2058.342 (Infection Control), and 2059.343 (HIV Infection and AIDS Related Training) of this Part.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

SUBPART E: RESEARCH

Section 2058.500 Controlled Substances Research

- a) The Department shall license the facility in which a person or persons engages in research as defined in subsection 2058.120(c) Type C. One or more principal scientific investigators may engage in research activities under the facility license.
- b) Every person who engages in research or who proposes to engage in research as defined in subsection 2058.110(c), Type C, shall be registered pursuant to 21 CFR 1301.21 (1987). A photocopy of the valid registration certificate shall be furnished to the Department upon application for licensure or renewal of license.
- c) Every person who engages in research as defined in subsection 2058.110(c), Type C, shall meet the following requirements:
 - 1) applicable security pursuant to 21 CFR 1301.71 - 1301.76 (1987).
 - 2) inventory and recordkeeping pursuant to 21 CFR 1304 (1987).
- d) Every person who engages in research or who proposes to engage in research as defined in subsection 2058.110(c), Type C, which involves

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

the use of a Schedule I controlled substance(s) under Section 204 of the Illinois Controlled Substances Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 1204) or under Section 3 of the Cannabis Control Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 703) shall be required to provide a research protocol pursuant to 21 CFR 1301.33 (1987). A copy of the protocol is to be furnished to the Department upon application for licensure.

e) A facility licensed pursuant to this Section shall only conduct research with the controlled substance(s) that is specified in the license.

f) Acquisition of controlled substances in Schedules I and II shall be accomplished pursuant to 21 CFR 1305 (1987). Schedule II controlled substances are specified under Section 206 of the Illinois Controlled Substances Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 1206).

g) The facility shall be required to provide the following reports to the Department.

- 1) Written notification thirty (30) days prior to the addition of any new research protocol during the term of licensure. This written notification shall include a copy of the research protocol.
 - 2) Written notification fifteen (15) days prior to the addition of any controlled substance(s) to be used in the research. Such changes will require the Department to amend the research license which specifies authorized controlled substances.
 - 3) Written notification within ten (10) days of any change in principal scientific investigator.
 - 4) Written notification within ten (10) days following the termination of the research project.
- h) Facilities licensed to engage in research must protect the privacy of individuals who are subjects of such research, as required by 42 CFR 2 (1987) and/or the AIDS Confidentiality Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 7301 et seq.).

SUBPART F: PHYSICAL PLANT REQUIREMENTS

Section 2058.600 General - All Program Facilities

a) Life Safety

- 1) The National Fire Protection Association's (NFPA) Life Safety Code referred to throughout Subpart F refers to the Life Safety Code of 1985 for existing and new facilities and for the fire protection systems of existing residential program facilities which modify or replace more than 50% of its fire detection, alarm or communication system.
- 2) All program facilities which are licensed under this Part shall be in compliance with the National Fire Protection Association's (NFPA's) Life Safety Code of 1985 in accordance with the specific standards referenced under Section 2058.600 through Section

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

2058.625. Existing program facilities which modify or replace more than 50% of its detection system, alarm system or communication system shall update all three systems to the NFPA's Life Safety Code of 1985.

3) Each building of the facility shall be surveyed to determine compliance with occupancy standards of the Life Safety Code.

4) When the requirements of the standards or their equivalents are not met, a plan and timetable of conformance shall be instituted. In addition, the facility shall document and execute sustained, extraordinary, interim, life safety measures, such as intensified housekeeping and maintenance practices, the provision of additional fire-fighting equipment, and fire drills on all work shifts in excess of the requirements stated in this Subpart.

5) Any rooms occupied by 50 persons or more shall conform to the NFPA's Life Safety Code 1985, (Assembly Occupancies).

6) New construction shall provide access to handicapped individuals and shall be in compliance with the Illinois Accessibility Code of the Capital Development Board (71 Ill. Adm. Code 400).

b) Safety Devices and Practices

- 1) The facility shall have written emergency preparedness plan designed to provide for the utilization of available resources so that services can be continued during a disaster and which identifies the role of the facility in a community-wide disaster.
- 2) An external emergency release mechanism shall be available for opening bathroom and toilet room doors that are lockable from the inside.
- 3) There shall be a telephone in the facility available in the case of emergency. The telephone numbers of the fire department, the police department, and an emergency ambulance service shall be posted near the telephone.
- 4) Facilities that do not have emergency medical care shall have first-aid kits available on the premises and all supervisory staff shall be familiar with the locations, contents, and use of the first-aid kits.

c) Lighting

- 1) All spaces occupied by people or machinery within a building, parking lots, and building approaches shall have lighting suitable to provide functional comfort and safety to clients, employees, and visitors.

2) Emergency lighting which is effective for two or more hours shall illuminate means of egress, examination rooms, and assembly areas.

d) Plumbing

- 1) Domestic hot water shall be maintained at a temperature of 105 - 130 degrees Fahrenheit at tap with the exception of clearly posted dishwashing sources.

2) Drainage piping shall not be installed within the ceiling or in exposed locations in food preparation areas, food service areas,

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

and food storage areas. Existing drainage pipes in these areas shall be protected by gutters.

- e) Heating Ventilating and Air-Conditioning (HVAC)
 - 1) Outside air shall be provided to each habitable room by a ventilation system or by operable windows.
 - 2) Insect screens shall be provided for windows, vents, and exterior doors which may be left in an open position for ventilation.
 - 3) Open faced, gas-fired heating devices, and space heaters are prohibited.
 - 4) All inside rooms, including toilets, bathrooms, and other rooms in which excessive moisture, odors or contaminants originate, shall be provided with mechanical exhaust ventilation.
 - 5) With the exception of subsection (4) above, compliance date for all standards under subsection(g) - July 1, 1990.
- f) General Services
 - Equipment rooms for boilers, mechanical equipment and electrical equipment, and storage rooms for building maintenance supplies shall be provided.
- g) Therapeutic Environment
 - 1) Rest rooms shall be available for clients and visitors and have paper towel dispensers and metal waste receptacles, roll towels or electric hand dryers.
 - 2) All furnishings, equipment, and appliances shall be clean and maintained in good operating order.
 - 3) Recreational facilities and equipment shall be consistent with clients' needs and the therapeutic program.
 - 4) Areas for confidential counseling, administration, and public reception shall be provided.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.602 Residential Program Facility Requirements

- a) This Section shall not apply to halfway houses. See Section 2058.603
- b) Reference 2058.600
- c) All Program Facilities
 - 1) All residential treatment program facilities shall comply with Chapter 16 (New Hotels and Dormitories) of the NFPA's Life Safety Code 1985.
 - 2) A documented program of preventive maintenance and semi-annual inspection of all fire alarm systems shall be performed by private alarm contractors licensed under the Private Detective, Private Alarm, and Private Security Act of 1983 (Ill. Rev. Stat. 1989, ch. 111, par. 2651 et seq.).
 - 3) A documented program of annual inspection or testing of automatic fire-extinguishing systems shall be performed by private alarm contractors licensed under the Private Detective, Private Alarm, and Private Security Act of 1983.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

d) Client Bedrooms

- 1) There shall be no more than 4 beds per client bedroom. Existing facilities may continue to house up to 10 clients per room if they were licensed to do so previously.
 - 2) Client sleeping rooms shall have a minimum of eighty (80) square feet in a single bedroom and sixty (60) square feet per bed in multi-bed rooms. At least 3'-0" of clear space shall be provided at the foot or head and one side of each bed. Adjoining beds must be at least 3'-0" apart from each other. Bunk beds are not allowed in detoxification program facilities.
 - 3) Each client bedroom shall be an outside room with not less than the equivalent of 10% of its floor area devoted to windows which are provided with curtains, blinds, or shades.
 - 4) No room which opens into the kitchen or necessitates passing through the kitchen to reach any other part of the facility shall be used as a bedroom.
 - 5) No client sleeping room shall be permitted in an attic or with a floor more than three (3) feet below the adjacent ground level.
 - 6) Each client shall have a wardrobe, locker, or closet available for his/her use.
 - 7) Each client room shall have a swinging door no less than 2'-8" in width which opens directly onto a corridor or to the outside. In addition, doors leading to corridors shall not be lockable from the inside.
 - 8) Clients' beds shall be non-folding, at least 36 inches wide equipped with a mattress that is incapable of sustaining flame.
 - 9) Client bedrooms shall be clean and organized.
 - 10) Each client room shall be occupied only by those of the same sex.
- e) Client Bathing and Toilets
- 1) Each tub or shower shall be in an individual room or enclosure which provides space for drying and dressing.
 - 2) A toilet room shall contain a water closet and a lavatory. The lavatory may be omitted from a toilet room which serves two adjacent bedrooms if each such adjacent bedroom contains a lavatory. In both adult medical detoxification program facilities and adolescent medical detoxification program facilities, each client room shall have access to a toilet room without entering the corridor and one toilet room shall serve not more than four beds and not more than two patient rooms.
 - 3) A toilet room shall be accessible to each central bathing area.
 - 4) A minimum of one (1) water closet, one (1) lavatory, and one (1) bathtub or shower for each sex shall be provided on each residential floor occupied by both sexes.
 - 5) Bathroom fixtures shall be provided in the following numbers: one (1) lavatory, one (1) water closer, and one (1) bathtub or shower for each eight (8) client beds on each floor which are not served by facilities adjacent to the clients' sleeping room.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

6) All toilet and bathing facilities shall be well lighted and vented to the outside, either by means of a window that can be opened, or by an exhaust fan.

7) No toilet room, other than for employees, shall open directly into a kitchen, pantry, food preparation area, or food storage room.

8) A bathtub for private bathing and an enclosed area for drying and dressing shall be provided.

f) Public Toilets

Toilet rooms shall be provided for use by members of the public.

g) Lobby

A seating area shall be provided for the reception of visitors by clients and staff.

h) Administration Offices

1) Private offices, clerical areas, and a staff meeting room shall be provided.

2) A secure lockable area shall be provided for the safeguarding of personnel, administration, and client records and materials.

i) Group Counseling Room

1) A room for group counseling other than those provided for recreation or dining with the exception of programs treating fewer than 20 clients shall be provided.

2) The group counseling room shall be enclosed.

j) Recreation Room

Each facility shall have a recreation room sized and equipped to promote leisure time activities suited for the age and number of clients served.

k) Dining Area

1) The dining area shall be supervised and staffed to provide assistance to the clients when needed.

2) Each facility's dining area shall be sized and equipped to accommodate the age and number of clients served.

3) The dining area shall be separate from the kitchen area.

l) Kitchen

1) Cooking or preparation of regularly scheduled hot meals shall be restricted to kitchen areas which shall be designed and equipped to meet the requirements of the services provided including provisions for food receiving, storage, preparation, dish and pot washing, and waste disposal.

2) Access to a handwashing sink, toilet, and janitor's closet shall be provided.

3) All equipment and appliances shall be installed to permit thorough cleaning of equipment, the walls, the base, and the non-absorbent floor material.

4) Each kitchen shall have an Underwriters Laboratories (U.L.) approved five pound class B:C dry chemical fire extinguisher.

m) Laundry Provisions

1) If clients are to do their own laundry, residential type laundry

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

facilities shall be provided.

2) If linen is to be processed on the site, space for soiled linen sorting, laundry equipment including washers and dryers, and clean linen storage space shall be provided.

3) If linen is processed outside the facility, a soiled linen storage room or area shall be provided.

n) Materials and Finishes

1) Window curtains and draperies shall be non-combustible, of rendered and maintained flame retardant and shall be in conformance with NFPA Standards 701 Fire Tests for Flame-Resistant Textiles and Films 1981.

2) Floors in kitchens, toilets, baths, and janitor's closets shall be water resistant.

3) Wall bases in areas subject to wet cleaning shall be integral with the floor or be tightly sealed without voids to the floor and wall.

4) Ceilings in dietary areas shall have a finished ceiling covering all overhead piping and duct work.

o) Details

1) Ceiling heights shall not be below 8'-0" for new construction and 7'-0" for existing construction.

2) All stairways and ramps shall have handrails on both sides.

3) Guardrails shall be provided on all open stairways and ramps.

4) Items such as drinking fountains, telephone booths, vending machines, and portable equipment shall not reduce the corridor width below three feet.

5) Each facility shall document an emergency evacuation plan, including provisions for the handicapped. Evacuation diagrams shall be familiar to all staff members and posted throughout the facility in areas visible to staff and clients.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.603 Halfway House Programs

a) Reference 2058.600

b) All halfway house program facilities that serve sixteen (16) or fewer clients shall comply with Chapter 20 (Lodging or Rooming Houses) of the NFPA's Life Safety Code of 1985. All halfway house program facilities that serve seventeen (17) or more clients shall comply with Chapter 17 (Existing Hotels and Dormitories) of the NFPA's Life Safety Code of 1985.

c) Client Bedrooms

1) There shall be no more than 4 beds per client bedroom. Facilities may continue to house up to 10 clients per room if they were licensed to do so prior to the effective date of this Section.

2) Client sleeping rooms shall have a minimum of eighty (80) square feet in a single bedroom and sixty (60) square feet per bed in

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

multi-bed rooms. At least 3'-0" of clear space shall be provided at the foot or head and one side of each bed. Adjoining beds must be at least 3'-0" apart from each other.

- 3) No client sleeping room shall be permitted in an attic or with a floor more than three (3) feet below the adjacent ground level.
- 4) Each client room shall have a swinging door no less than 2'-3" in width which opens directly onto a corridor or to the outside.
- 5) Clients' beds shall be non-folding, at least 36 inches wide equipped with a mattress that is incapable of sustaining flame.
- 6) Client bedrooms shall be clean and organized.
- 7) Each client room shall be occupied only by those of the same sex.

d) Client Bathing and Toilets

- 1) Each tub or shower shall be in an individual room or enclosure which provides space for drying and dressing.
- 2) A toilet room shall contain a water closet and lavatory. The lavatory may be omitted from a toilet room which serves two adjacent bedrooms if each such adjacent bedroom contains a lavatory.

- 3) Bathroom fixtures shall be provided in the following numbers: one (1) lavatory, one (1) water closet, and (1) bathtub or shower for each eight (8) client beds.

- 4) All toilet and bathing facilities shall be well lighted and vented to the outside, either by means of a window that can be opened, or by an exhaust fan.

- 5) No toilet room, other than for employees, shall open directly into a kitchen, pantry, food preparation area, or food storage room.

e) Administration Office

- 1) Sufficient offices and clerical work areas shall be provided.
- 2) A secure lockable area shall be provided for the safeguarding of personnel, administration, and client records and materials.

f) Recreation Room

- Each facility shall have a recreation room sized and equipped to promote leisure time activities suited for the age and number of the clients served.

g) Dining Area

- Each facility's dining area shall be sized and equipped to accommodate the age and number of clients served.

h) Kitchen

- 1) Cooking or preparation of regularly scheduled hot meals shall be restricted to kitchen area which shall be designed and equipped to meet the requirements of the services provided, including provisions for food receiving, storage, preparation, dish and pot washing, and waste disposal.

- 2) Access to a handwashing sink and toilet shall be provided.

- 3) All equipment and appliances shall be installed to permit thorough cleaning of equipment, the walls, the base, and the non-absorbent floor material.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

- 4) Each kitchen shall have an Underwriters Laboratories (U.L.) approved five pound class B:C dry chemical fire extinguisher.

i) Laundry Provisions

- 1) If clients are to do their own laundry, residential type laundry facilities shall be provided.
- 2) If linen is to be processed on the site, space for soiled linen sorting, laundry equipment including washers and dryers, and clean linen storage space shall be provided.
- 3) If linen is processed outside of the facility, a soiled linen storage room or area shall be provided.

j) Materials and Finishes

- 1) Window curtains and draperies shall be non-combustible, of rendered and maintained flame retardant materials, and shall be in conformance with NFPA Standards 701 Fire Tests for Flame-Resistant Textiles and Films 1981.
- 2) Floors in kitchens, toilets, and baths shall be water resistant.
- 3) Wall base in areas subject to wet cleaning shall be integral with the floor or be tightly sealed without voids to the floor and wall.

- 4) Ceilings in dietary areas shall have a finished ceiling covering all overhead piping and duct work.

k) Details

- 1) All stairways and ramps shall have handrails.
- 2) Guardrails shall be provided on all open stairways and ramps.
- 3) Items such as drinking fountains, telephone booths, vending machines, and portable equipment shall not reduce the corridor width below three feet.

- 4) Each facility shall document an emergency evacuation plan, including provisions for the handicapped. Evacuation diagrams shall be familiar to all staff members and posted throughout the facility in areas visible to staff and clients.

(Source: Added at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.610 Outpatient Program Facilities - General

a) Existing Facilities

All existing outpatient program facilities shall comply with Chapter 27 (Existing Business Occupancies) of the NFPA's Life Safety Code 1985.

b) New Facilities

All new outpatient program facilities shall comply with Chapter 26 (New Business Occupancies) of the NFPA's Life Safety Code 1985.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.625 Research Programs

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

Facilities where research is conducted shall comply with local codes.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

Section 2058.630 New Construction Requirements - All Program Facilities

- a) New Construction, Additions, Major Alterations, or Conversions
 - 1) When construction is contemplated, either for new buildings, additions, or major alterations of existing licensed facilities or conversions of structures designed or used for other purposes which come within the scope of this Part, the following shall be required:
 - A) Design development drawings and outline specifications shall be submitted to the Department prior to starting final working drawings and specifications. Comments or approval shall be provided by the Department;
 - B) Final working drawings and specifications shall be submitted to the Department for review and approval prior to the beginning of construction. For final approval to remain valid, contracts must be signed within one year of approval date;
 - C) Any construction change which affects the function, design, or purpose of a facility shall be submitted to the Department for approval prior to authorizing the modification. Comments or approval shall be provided by the Department;
 - D) The Department shall be notified in writing when construction has been completed and/or before any area is occupied. A final inspection of the completed construction will be made by the Department.
 - 2) All reviews and approvals are based upon compliance with all provisions of Subpart F.
- b) Preparation of Drawings and Specifications and Submission Requirements.

Drawings and specifications shall be prepared by or under the immediate supervision of an architect registered in the State of Illinois.
- c) Initial Submission of Design Development Drawings and Outline Specifications.

Preliminary sketch plans shall indicate in detail the assignment of all spaces, size of areas and rooms, and outline the fixed and movable equipment and furniture.

 - 1) The Design Development Drawings shall include:
 - A) A plan of each floor including the basement or ground floor;
 - B) Plot plan showing structures, new roads, parking areas, sidewalks;
 - C) Sections through the building; and
 - D) All existing areas shall be clearly shown and the building

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

type identified if the project is an addition, major alteration, or conversion. The drawings shall be made at a scale sufficiently large to present clearly the proposed design.

- 2) Outline specifications shall provide a general description of the construction.
- 3) A brief narrative of the proposed program shall be provided.
- d) Final Submission of Working Drawings and Specifications
 - 1) All working drawings shall be complete for contract purposes. Prints shall be submitted which are accurately dimensioned and which include explanatory notes, schedules, and legends in the event that symbols or codes are used on the face of the prints. Separate drawings shall be prepared for each of the following branches of work: architectural, structural, mechanical, and electrical. They shall include or contain the following:
 - A) A site plan showing all existing and new topography, newly established levels and grades, existing structures on the site (if any), new buildings and structures, roadways, walks, and the extent of the areas to be landscaped;
 - B) All structures and improvements which are to be removed under the construction contract shall be shown;
 - C) A plan of each floor and roof;
 - D) Elevations of each facade;
 - E) Sections through building;
 - F) Elevators and dumbwaiters;
 - G) Drawings of elevators and dumbwaiters which delineate shaft details and dimensions, sizes of cab platforms and doors, travel distances including elevation height of landings, pit sizes, and machine rooms;
 - H) Kitchens, laundry, special care areas, and similar areas shall be detailed at a scale to show the location, type, size and connection of all fixed and movable equipment;
 - I) Details drawn to scale shall be provided; and
 - J) A schedule of finishes shall be provided.
 - 2) Structural drawings with specifications (not required if structural work is not proposed for major alterations or conversions) shall include plans of foundations, floors, roofs, and all intermediate levels. Such drawings shall show a complete design with sizes, sections, details, and the relative location of the various members. A schedule of beams, girders, and columns shall be provided.
 - 3) Mechanical drawings with specifications (not required if mechanical work is not proposed for major alterations or conversions) shall show the complete heating, cooling, ventilation, plumbing, drainage, stand pipe, and sprinkler systems.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE
NOTICE OF PROPOSED REPEALER

Section 2058.705 Reports to Other Agencies

Licenseses will submit reports of patient criminal activity at the program or against any person working for the program, or a threat to commit such crime, or employees criminal activity or threat thereof at the program to local law enforcement agencies immediately upon discovery, and shall copy the Department on such reports. Such reporting shall be in compliance with 42 CFR 2 (1987).

(Source: Amended at 15 Ill. Reg. 2597, effective February 4, 1991)

SUBPART H: COMPLAINTS/INSPECTIONS/INVESTIGATIONS

Section 2058.800 Complaints

- a) Verbal or written complaints relating to a facility or its operation may be directed to the Department.
- b) A release of information form shall be signed by the client for complaints involving treatment service.
- c) All facilities shall be required to develop and post an internal procedure for handling client complaints.

Section 2058.805 Inspections

The Department shall conduct inspections of facilities to enforce compliance with the rules under this part. Department inspections may be conducted on a random basis to survey facility compliance with this part or in response to complaints, if the complaint sets forth charges that constitute grounds for sanction pursuant to the Act. Upon presentation of Department credentials, and consent of the person in charge of the premises, inspector(s) of the Department shall be permitted access to inspect all areas and records of the program. If consent is not given, then the Department shall seek access pursuant to Section 3-101 of the Act.

(Source: Amended at 15 Ill. Reg. 2597, effective February 4, 1991)

Section 2058.810 Investigations

The Department shall in such instances as suspected criminal activity or upon the sworn complaint in writing of any person setting forth charges which, if proved, would constitute grounds for sanction pursuant to this Act, investigate the actions of any person licensed or funded by the Department, or of any person whose activities are alleged to require licensure under this Act.

Section 2058.815 Collection and Seizure

- a) Department Sampling Authorized
In the course of an inspection or investigation, Department investigators will be required to obtain drug samples in the event of

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE
NOTICE OF PROPOSED REPEALER

SUBPART G: REPORTS

Section 2058.700 Reports to DASA

- a) Each licensee shall report to the Department within ten (10) days changes in:
 - 1) ownership or control;
 - 2) name and/or address;
 - 3) program capacity;
 - 4) categories of service offered;
 - 5) medical director; and
 - 6) existing licensed physical facilities prior to any conversions or alterations which affect compliance with Subpart F.

b) Significant Incident Report

- 1) Each licensee shall submit a verbal report of a significant incident to the Department within 24 hours of its occurrence. A significant incident would include an accident or event requiring the emergency services of the police department, the fire department, or the coroner. Verbal reports of significant incidents should be directed to the Regulatory and Support Services Division at the Department.
- 2) Each licensee shall submit a written report of a significant incident with supporting documentation to the Department within ten (10) days of the occurrence. If available, coroner's reports shall be submitted within five (5) days of receipt by the facility. Written reports of significant incidents shall be submitted to the Regulatory and Support Services Division at the Department.

- c) Each licensee who intends to operate a satellite facility program or programs shall report the following information to the Department at least ten (10) days before beginning to provide services at the satellite facility program or programs location(s):

- 1) The legal name, address and telephone number of each satellite facility program location;
- 2) The services that will be provided at each such satellite facility program location;
- 3) The days of the week and hours when each service will be provided at each satellite facility program location;
- 4) The legal name, address, telephone number and license number of the licensee who will own, operate and supervise the program(s) at each satellite facility program location; and
- 5) The name(s) of the staff who will provide services at each satellite facility program location.

The licensee will notify the Department of any changes in the information set out above within ten (10) days of the change(s) taking effect.

(Source: Amended at 15 Ill. Reg. 13708, effective September 10, 1991)

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

allegations or suspicions of diversion or trafficking or in the event of non-compliance with security requirements as set forth in 21 CFR 1307.21 (1987). Such samples shall be released by the person or facility being inspected and a receipt shall be furnished by the investigator(s).

b) Seizures Authorized

- 1) A triplicate receipt for the seized drugs will be prepared by the investigator and a copy furnished to the person in charge of the premises at the point of seizure. In the event of seizure of drug stocks, the Department and the facility shall arrange for continuity of client treatment.
- 2) If property is seized, a written inventory of the property shall be made. A copy of the written inventory of the property seized shall be given to the person from whom the property was taken, or if no person is available to receive the copy of the written inventory, it shall be left at the premises.

SUBPART I: HEARINGS/SANCTIONS

Section 2058.900 Hearings

a) Applicability

- 1) This Subpart shall apply to all hearings conducted by the Department pursuant to Section 3-105 of the Act.
- 2) In case of a conflict between the provisions of this Subpart and the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1001-1 et seq.), the provisions of the Illinois Administrative Procedure Act shall apply.

b) Parties

The parties to a hearing are:

- 1) the Department; and,
- 2) the applicant or license holder who is afforded an opportunity for hearing and who requests a hearing in accordance with this Section of the Act.

c) Representation

- 1) A Party may be represented by an attorney at law who is licensed to practice law in the State of Illinois and who has filed an appearance with the Department.
- 2) Each party to a proceeding shall inform the Department of the address to which notices or other documents should be directed, if different from the address per Department records.

d) Form of Papers

- 1) All papers filed in any proceeding shall be typewritten or printed on paper which does not exceed 8 1/2 by 11 inches, with margins not less than one (1) inch wide. Typing or printing shall be on one side of the paper only.
- 2) Pleadings shall contain the address of the party filing the pleading or the address of his attorney.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

- 3) All pleadings or other papers filed with the Department shall be filed in triplicate.

e) Pleadings

- 1) The "Notice of an Opportunity for Hearing" shall contain:
 - A) a statement of the nature of the hearing;
 - B) a statement of the legal authority and jurisdiction under which the hearing is to be held;
 - C) a reference to particular sections of the statutes and rules involved;
 - D) a short and plain statement of the matters asserted; and
 - E) a statement of the time and place that the hearing will be held if a timely request is made.
 - 2) Unless a "Request for Hearing" is filed within thirty (30) days of the date of the "Notice of an Opportunity for Hearing," the hearing rights afforded under the Act shall be deemed waived.
 - 3) A "Request for Hearing" shall be filed with the Director, either by personal service or by certified or registered mail.
 - 4) Upon receipt by the Director of a timely and properly filed request for hearing, the hearing will be scheduled to commence within thirty (30) days. "Notice of Hearing," which contains the information required by Section 10-25 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1010-25), will be sent to the parties at least ten (10) days prior to the scheduled hearing date.
 - 5) Pleadings may be amended at any time prior to hearing, and may be amended at any time thereafter unless the hearing officer determines that amendment of the pleadings would cause delay in disposing of the issues of the case.
- f) Motions
- 1) Motions, unless made during a hearing, shall be in writing, shall set forth the relief or order sought, and shall be served on all parties.
 - 2) Responses to written motions shall be in writing, unless made during a hearing.
 - 3) Motions and responses to motions shall be filed with the hearing officer.
 - 4) Motions or responses to motions which allege facts not in the record must be accompanied by supporting affidavit.
 - 5) Whenever a motion or a response to motion requests that relief be granted, specific authority must be cited under which the hearing officer is empowered to grant such relief.
 - 6) Oral argument on motions shall be allowed only if the hearing officer deems it necessary to a fuller understanding of the issues presented.
- g) Discovery
- 1) The Director or the hearing officer shall, upon request, cause depositions of material witnesses within the State to be taken in the manner prescribed by Supreme Court Rules 201-212 (Ill. Rev.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

Stat. 1987, ch. 110A, pars. 201-212), and to that end compel the attendance of witnesses and the production of books, papers, or memoranda.

- 2) All evidence which forms the basis of the Department's proposed action which would be adverse to any party other than the agency will be made a part of the record, and disclosed to the parties prior to the hearing.

h) Service

All required notices shall be served either by personal service or by certified or registered mail. The official address for service on the Department is 100 W. Randolph, Suite 5-600, Chicago, Illinois 60601.

i) Prehearing Conference

- 1) Prior to commencement of the hearing, the hearing officer shall conduct a prehearing conference. The purpose of the conference is:

- A) identification of contested issues;
 - B) the exchange of evidence to be presented in written form;
 - C) identification of issues which may be resolved by stipulation; and
 - D) consideration of any other matter which may aid in the efficient disposition of the case.
- 2) Either party may elect to have a court reporter present during the prehearing conference. If no reporter is present, a written memorandum summarizing the discussions shall be prepared by the hearing officer and made a part of the official record of the case.

j) Conduct of Hearing

- 1) A full and complete record shall be kept by the Department. It shall include:
 - A) all pleadings, notices, responses, motions, and rulings;
 - B) evidence received;
 - C) a statement of any matters officially noticed;
 - D) offers of proof, objections, and rulings thereon;
 - E) proposed findings and exceptions;
 - F) hearing officer report;
 - G) all staff memoranda or data submitted to the hearing officer in connection with the case; and
 - H) any communication prohibited as an ex parte consultation, as defined by Section 10-60 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1010-60), but such communications shall not form the basis for any findings of fact.
- 2) All testimony shall be reported but need not be transcribed at the Department's expense unless the decision is appealed in accordance with the Administrative Review Law. (Ill. Rev. Stat. 1989, ch. 110, par. 3-101 et seq.)
- 3) Both the burden of going forward with evidence and the burden of proof rest with the party requesting a hearing. The burden of

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

proof is to show by a preponderance of evidence that:

- A) the Department's decision is contrary to the evidence on the record when taken as a whole;
 - B) the decision is arbitrary or capricious; or
 - C) the decision is contrary to law.
- 4) All parties to the hearing shall be permitted to present testimony, offer evidence, cross-examine witnesses, and present argument.
 - 5) The hearing officer shall be authorized to conduct the hearing, administer oaths, issue subpoenas to compel testimony or production of documents, hold conferences for clarification of contested issues or for settlement, rule on motions, grant continuances as may be necessary, call or examine witnesses, and take such other actions as may be necessary to fairly and expeditiously provide the parties with an opportunity to be heard.
 - 6) The hearing officer is not authorized to dispose of a case, however disposition may be made of any contested issue by stipulation.
 - 7) Continuances and extensions of time shall be granted by the Director or hearing officer for good cause shown. Good cause is a bonafide reason on the part of the Department or any party to the hearing which would prevent the hearing from being held or completed as scheduled (e.g., illness of a party or an immediate family member, unavailability of counsel).
 - 8) In contested cases, the rules of evidence and rules for taking official notice will be as contained in Section 10-40 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1010-40).

k) Hearing Officer Report

Within 30 days following the conclusion of a hearing, the hearing officer shall deliver a report of hearing to the Director. All exhibits, pleadings, documents, or other material made a part of the record will accompany the report. The report will summarize the testimony presented at the hearing.

l) Proposal for Decision

- 1) When the Director has not read the record, the decision, if adverse to a party to a proceeding other than the agency, shall not be made until a proposal for decision is served upon the parties, and an opportunity is afforded to each party adversely affected to file exceptions and to present a brief.
- 2) The proposal for decision is prepared by one who has read the record and must be approved by the Director for dissemination to the parties.
- 3) The proposal for decision shall contain a statement of the reasons for the proposal and of each issue of fact or law necessary to the proposed decision.
- 4) Exceptions and briefs must be filed within 30 days of the date of

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

the proposal for decision.

- 5) Oral argument on issues presented in the exceptions and brief is not permitted.

m) Final Decision

- 1) A final decision in a contested or uncontested case shall be in writing and shall include findings of fact and conclusions of law separately stated.
- 2) Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings.
- 3) Parties or their agents appointed to receive service of process shall be notified either personally or by registered or certified mail of any decision.

(Source: Amended at 15 Ill. Reg. 2597, effective February 4, 1991)

Section 2058.905 Sanctions

a) General

Except in cases in which the Department determines that emergency action is necessary to protect the public interest, safety, or welfare, prior to initiating a formal action to sanction a licensee, the Department will allow a licensee holder an opportunity to take corrective action to eliminate or ameliorate a violation of the Act or this Part:

- 1) The Department shall issue written notice to a licensee holder whom it determines not to be in compliance pursuant to Section 3-104 of the Act.
- 2) The Department's notice shall specify the particular activities of the licensee holder deemed to violate the Act and this Part.
- 3) The Department's notice shall require such corrective action as it deems necessary for the licensee holder to achieve compliance and shall establish a time period within which the corrective action is to be completed.
- 4) In determining whether to initiate formal action against a licensee holder the Department shall consider:
 - A) whether the licensee holder made an effort to comply with the Department's notice of corrective action;
 - B) whether the licensee holder achieved compliance with the Act and this Part within the designated time frame; and
 - C) the potential for harm to a client as a result of the failure to comply.
- 5) Nothing contained herein shall preclude the Department from initiating formal action against a licensee holder who has complied with the Department's notice of corrective action; in such case, the factors enumerated above shall be considered by the Director in determining whether and to what extent sanctions should be imposed.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

b) Summary Suspension

Summary suspension of a license shall be ordered if the Director finds that the public interest, safety, or welfare imperatively requires emergency action.

- 1) A petition for summary suspension shall:
 - A) state the statutory basis for the action petitioned;
 - B) allege facts, supported by evidence or affidavit, sufficient to demonstrate a need for emergency action;
 - C) be signed by the chief counsel; and
 - D) be presented to the Director either in person or by telephone and in the presence of a court reporter.
- 2) An order for summary suspension shall:
 - A) contain findings of fact sufficient to support imposition of a summary suspension;
 - B) recite the statutory basis for the action;
 - C) appoint a hearing officer;
 - D) demand immediate surrender of the license; and
 - E) be signed by the Director.

- 3) A notice of summary suspension shall accompany the order and shall:
 - A) set a date for commencement of a hearing within fourteen (14) days of the date on which the order takes effect. If the parties agree to a prehearing conference, such conference shall constitute the commencement of the hearing. The hearing shall determine whether the summary suspension shall remain in effect until conclusion of a formal hearing on the merits;
 - B) name the hearing officer who shall conduct the hearing; and
 - C) include a copy of the Department's rule pertaining to hearings.

c) Revocation

The Department shall, in accordance with subsection (a)(5), revoke, by formal action, program's license denying the program the right to operate and render treatment services. The termination shall be in effect until such time as the license is reinstated or an application for a new license has been made and approved by the Department.

d) Suspension

The Department shall, in accordance with subsection (a)(5), temporarily withdraw by formal action a facility's/person's license to operate an alcoholism or substance abuse treatment program, an intervention program, or a controlled substances research project for a period of time specified by the Department during which corrective action by the program is taken to rectify problem areas that led to the suspension. When the corrective action has been taken, the Department will determine if such action meets Department standards and either reinstate or revoke the license.

e) Probation

A program shall, in accordance with subsection (a)(5), be placed on

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

probation by the Department for not meeting or minimally violating the Department's licensure standards and may continue to operate for a specified period. During the probationary period the program shall take such action as necessary to meet the Department's licensure standards. When the probationary period has expired, the Department shall terminate the probationary status. If the Department determines that the program still does not meet licensure standards, the Department may suspend the program's license or extend the probationary period, if such extension would likely result in correction.

f) Restricted License
The Department shall, in accordance with subsection (a)(5), issue a facility a license which limits operation to specified service categories, after Departmental findings that one or more service categories had not met licensure standards.

g) Fine/Penalties

1) In accordance with Section 2058.900, the Department may impose a financial penalty when it is determined appropriate upon a finding of violation of any one or combination of the provisions of Section 3-104 of the Act.

2) A financial penalty may not be paid out of public funds.

3) In determining an appropriate financial penalty the Department may consider:

- A) the deterrent effect of the penalty to the licensee or applicant and the field,
- B) the nature of the violation,
- C) the degree to which the violation resulted in a benefit to licensee/applicant and/or harm to the public,
- D) any other relevant factor to be examined in mitigation or aggravation of the licensee/applicant's conduct.

4) The financial penalty may be imposed in conjunction with other sanctions or separately, and shall not exceed \$5,000 per violation.

h) Reinstatement of License

The Department shall, in accordance with subsection (a)(5), reinstate a program's license, after suspension or revocation, providing the program meets all licensure standards, thus enabling a program to operate and render treatment services specified in the license without restriction.

i) Denial of License Application

The Department shall, in accordance with subsection (a)(5) deny a license application for failure to comply with the Act and Departmental rules. Denial of a license shall not preclude a program from reapplying when the necessary requirements have been met.

j) Cease and Desist Order

1) Whenever the Department determines that a licensed facility is in violation of the Act, the Director shall issue an order to that person to cease and desist from engaging in the activity. The

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED REPEALER

order shall specify the particular activities which violate the Act and shall include citation of relevant Sections of the Act and this part.

2) The Director's order shall be accompanied by a notice which instructs the recipient that written documentation may be submitted to the Department within ten (10) days to support a claim that the activities are not in violation of the Act, or that the licensee is correcting the activities in violation of the Act with a reasonable time frame for completing such corrections.

3) After the ten (10) days have expired, if the Director believes that the licensed facility person is continuing to engage in activities in violation of the Act, he/she shall refer the matter to the appropriate State's Attorney or to the Office of the Attorney General for prosecution. Minor violations, such as incidences that do not include a injury to a client or the potential of such injury, which are being corrected under subsection (b), will not be reported.

(Source: Amended at 15 Ill. Reg. 2597, effective February 4, 1991)

SUBPART J: COMMITTEES

Section 2058.1000 Special Committee on Licensure

- a) The presiding officer of the Illinois Advisory Council on Alcoholism and Substance Abuse, with the advice and consent of the Director, shall annually appoint a Special Committee on Licensure, who shall advise the Director on particular cases on which the Department intends to take action which is adverse to an applicant or license holder, and shall review an annual report submitted by the Director summarizing all licensure sanctions imposed by the Department.
- b) The Special Committee on Licensure shall consist of five (5) members:
 - 1) a physician;
 - 2) a clinician who is licensed, registered, or certified;
 - 3) an authorized program representative from a licensed facility;
 - 4) an attorney;
 - 5) a chairperson.
- c) The Special Committee on Licensure shall conduct meetings in a manner described in Roberts's Rules of Order (1981).

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Administration
- 2) Code Citation: 59 Ill. Adm. Code 101
- 3) Section Number: Proposed Action:
101.70 Added
- 4) Statutory Authority: Implementing Section 10-5 of the Illinois Administrative Procedure Act [5 ILCS 100/10-5] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5].
- 5) A Complete Description of the Subjects and Issues Involved: Section 101.70 sets out the procedures for most of the Department's hearings except for those controlled by federal statutes or having unique statutory procedures. This Section applies primarily to licensure and certification decisions and will eliminate inconsistent procedures that now exist between Department rules.

Section 101.70 sets out the requirements for notice of the decision, pre-hearing conferences, and conduct of hearings by the administrative law judge. It requires the administrative law judge to make a recommended decision to the Director, who issues the Department's final decision.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No, this proposed amendment will not replace an emergency rule currently in effect.
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporation by reference? This rulemaking does not incorporate by reference any federal statutes or regulations or rules of another State agency.
- 9) Are there any other proposed amendments pending on this Part? Yes. An amendment to this Part was proposed at 19 Ill. Reg. 13714 (October 6, 1995).
- 10) Statement of Statewide Policy Objectives: This rulemaking does not impact the State Mandates Act [30 ILCS 305].
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments, data, views or argument regarding this proposed rulemaking before the expiration of the first 45-day notice period. Submissions must be in writing and directed to:

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENT(S)

Judith Hollenberg
Rules Administrator
Illinois Department of Mental Health
and Developmental Disabilities
401 Stratton Building
Springfield, IL 62765
Telephone (217)785-3313
FAX (217)524-8920

12) Initial Regulatory Flexibility Analysis:

- A) Types of small business affected: Private and not-for-profit agencies providing mental health or developmental disabilities services licensed or certified by the Department.
- B) Reporting, bookkeeping or other procedures required for compliance: None required.
- C) Types of professional skills necessary for compliance: No special skills required.

13) Regulatory Agenda on which this rulemaking was summarized: July 1995

The full text of the Proposed Amendment(s) begins on the next page.

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES
NOTICE OF PROPOSED AMENDMENT(S)

of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5] and Section 10-10 of the Illinois Administrative Procedure Act [5 ILCS 100/10-10].

SOURCE: Effective February 1, 1977, corrected April 1, 1977; amended at 3 Ill. Reg. 50, p. 277, effective December 3, 1979; amended at 4 Ill. Reg. 17, p. 205, effective April 15, 1980; codified at 5 Ill. Reg. 10716; amended at 8 Ill. Reg. 12265, effective July 1, 1984. Section 101.60 recodified to 41 Ill. Adm. Code 1250 at 8 Ill. Reg. 18490; amended at 15 Ill. Reg. 9316, effective June 18, 1991; emergency amendment at 15 Ill. Reg. 14663, effective October 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 2137, effective January 24, 1992; amended at 18 Ill. Reg. 4179, effective March 3, 1994; amended at 20 Ill. Reg. _____, effective _____.

Section 101.70 Conduct of hearings and appeals

- a) Applicability
- 1) This Section shall govern all formal administrative hearings for the Department except for those hearings governed by the Department's rules at 39 Ill. Adm. Code 00.175, 00.103, 012, 120, 121, 122, 132 and 135. All contested cases and licensing actions which are required by law to be preceded by a notice and opportunity to be heard shall be governed by this Section. It is a licensing statute prescribes certain procedures or requirements for licensure hearings, those procedures or requirements shall be followed as though they were set forth in this Section.
- 2) This Section shall also apply to hearings conducted by the Department as required by Federal law. In the event there is a conflict between Federal regulations and this Section, Federal regulations shall prevail.
- 3) This Section shall not preclude any informal administrative procedures established by the Department to resolve licensing issues or conflicts prior to initiating any action requiring a formal hearing.
- b) Definitions
- For the purposes of this Section, the following terms are defined.

"Administrative law judge." The person appointed by the Director to preside at the formal administrative hearing. The term is synonymous with any other term used to refer to the person conducting such hearings.

"Appellant." The person or agency that requests a hearing.

"Contested case" shall have the meaning ascribed to it in Section 1-30 of the Illinois Administrative Procedure Act [5 ILCS

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES
NOTICE OF PROPOSED AMENDMENT(S)

TITLE 59: MENTAL HEALTH
CHAPTER 1: DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

PART 101
ADMINISTRATION

Section 101.10 Illinois Department of Mental Health and Developmental Disabilities -- Internal Organization (Repealed)

101.20 Service recipients activity fund in Department facilities

101.30 Payments to the account of service recipients

101.60 Service contracts (Recodified)

101.70 Conduct of hearings and appeals

101.75 Conduct of hearings and appeals for Bogard et al. v. Bradley et al. consent decree (88 C 2414, U.S.D.C., N.D. IL) (June 2, 1993)) class members

101.80 Conflict of interest

101.90 Specialized living centers

101.100 Community mental health and developmental disabilities service provider participation fee trust fund

APPENDIX A Organization Charts (Repealed)

- ILLUSTRATION A Illinois Department of Mental Health and Developmental Disabilities (Repealed)
- ILLUSTRATION B Associate Director (Repealed)
- ILLUSTRATION C Division of Developmental Disabilities (Repealed)
- ILLUSTRATION D Division of Alcoholism (Repealed)
- ILLUSTRATION E Division of Management Services (Repealed)
- ILLUSTRATION F Division of Community Services and Interagency Affairs (Repealed)
- ILLUSTRATION G Region 1A Office (Repealed)
- ILLUSTRATION H Region 1B Office (Repealed)
- ILLUSTRATION I Region 2 Office (Repealed)
- ILLUSTRATION J Region 2 Developmental Disabilities (Repealed)
- ILLUSTRATION K Region 3A Office (Repealed)
- ILLUSTRATION L Region 3B Office (Repealed)
- ILLUSTRATION M Region 4 Office (Repealed)
- ILLUSTRATION N Region 5 Office (Repealed)

AUTHORITY: Implementing Section 2-105 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-105], Sections 6, 18.1, 20 and 22 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/6, 18.1, 20 and 22], Section 3-06 of the Specialized Living Centers Act [405 ILCS 25/3-06], Section 1A-101 of the Illinois Governmental Ethics Act [5 ILCS 420/4A-101] and Bogard et al. v. Bradley et al. consent decree (88 C 2414, U.S.D.C., N.D. IL) (June 2, 1993)) and Section 10-5 of the Illinois Administrative Procedure Act [5 ILCS 100/10-5] and authorized by Section 5-104

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENT(S)

100/1-30].

"Days." Working days unless otherwise specified.

"Department." The Department of Mental Health and Developmental Disabilities or successor agency.

"Director." The Director of the Department of Mental Health and Developmental Disabilities or his or her designee.

"Substantial evidence." Such evidence as a reasonable person can accept as adequate to support a conclusion.

c) Representation

An appellant may be represented during the hearing and appeals process by an attorney or other person of his or her choice. The appellant may also represent him or herself.

d) Notice

1) Notice of a Department decision shall be given according to the requirements of this Section unless the applicable statute requires otherwise. The notice of the decision shall contain:

- A) A statement of the right to a hearing;
- B) A statement that if the person desires a hearing, he or she must request a hearing in writing within 20 days after the date of receipt of the notice, with a brief statement of why he or she wants a hearing; and

C) The address where the request should be sent.

2) The notice of a hearing shall contain:

- A) A statement of the nature of the hearing;
- B) A statement of the time and place of the hearing and, if a pre-hearing conference is scheduled by the Department, the time and place of the conference;

C) A reference to the particular Sections of the statute and rules involved;

D) A statement of the legal authority under which the hearing is held;

E) A concise statement of the matters asserted;

F) A statement of the consequences of failing to respond to the notice;

G) The official file number;

H) The names and addresses of the administrative law judge and the parties involved; and

I) A statement of the right to be represented by the person of the appellant's choice, at his or her expense.

3) All notices of hearings shall be in writing and mailed to the parties at least ten days before the date of the hearing;

4) All notices under this Section shall be served either personally

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENT(S)

or by certified mail on the appellant or his or her agent(s) authorized to receive service of process unless the applicable statute requires a different form of service.

e) Preliminary review

On receipt of a letter requesting an appeal, the appropriate division of the Department shall conduct an informal review (which may include a meeting with the appellant) of the decision which is the basis for the appeal and, if indicated, reverse or modify its decision or take other action, as necessary.

f) Qualifications of administrative law judge

Administrative law judges shall meet the qualifications set out in the Department's rules at 2 Ill. Adm. Code 1027.

g) Disqualifications of administrative law judge

At any time prior to the issuance of the administrative law judge's recommended decision, the appellant may move to disqualify the administrative law judge on the grounds of bias or conflict of interest. Such a motion shall be made in writing to the Director with a copy to the administrative law judge, setting out the specific instances of bias or conflict of interest. An adverse decision or ruling, in and of itself, is not grounds for disqualification. The administrative law judge's employment or contract as an administrative law judge by the agency is not, in and of itself, a conflict of interest. The appeal shall be suspended until the Director rules on the motion. The Director may decline to disqualify the administrative law judge, appoint another administrative law judge to hear the case or decide that the appeal should be granted.

h) Pre-hearing conferences

1) The administrative law judge may schedule a pre-hearing conference at his or her discretion. This conference shall be held prior to the hearing and shall be for the purpose of considering:

- A) The clarification of the issues;
- B) The possibility of obtaining admissions of fact and of documents that would avoid unnecessary proof or testimony;
- C) The possibility of a resolution of the case without a hearing; and
- D) Any other matters that may aid in the disposition of the appeal.

2) If the pre-hearing conference results in a resolution of the appeal by agreement of the parties, the administrative law judge shall issue an order reciting the agreement and dismissing the appeal. Copies of the order shall be sent to the Department and the appellant. The appellant's copy shall be sent by certified mail.

i) Discovery

1) Discovery such as interrogatories and depositions as provided for in the Rules of the Illinois Supreme Court (S. Ct. Rule 1) is at

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENT(S)

1) The administrative law judge may issue a subpoena to compel the attendance of a witness or the production of documents when such witness or document has or contains relevant evidence but it is not being presented by the party, witness or holder of a document. A party may also request the administrative law judge to issue a subpoena to compel the attendance of a witness or the production of documents. The request shall be either in writing or on the record and shall:

- A) Identify the witness or document sought; and
- B) State the facts that will be proven by each witness or document sought.

2) The administrative law judge shall grant or deny the request, either in writing or on the record. If the request for subpoena is granted, the administrative law judge shall, if necessary, reschedule the hearing to a specific date. The request for subpoena shall be denied only if the administrative law judge finds that the evidence sought is immaterial, irrelevant or cumulative. If the request for subpoena is denied, the administrative law judge shall proceed to conduct the hearing, and the specific reasons for denial of the request for subpoena shall be made part of the record on appeal.

3) If a witness fails to obey a subpoena, the party seeking enforcement of the subpoena shall prepare an application to the circuit court of the county in which the subpoenaed witness resides requesting enforcement of the subpoena, and shall present the application to the administrative law judge. If satisfied that the subpoena was properly served and that the application is in proper form, the administrative law judge shall sign the subpoena, or the attorney for the party seeking the subpoena may then file and prosecute the application to the circuit court. In such instance, the matter shall be continued pending the outcome of enforcement of the subpoena.

k) Conduct of hearings

- 1) All hearings shall be closed to the public.
- 2) Where, because of distances involved, it is impractical for the parties, witnesses or the administrative law judge to appear in the same site for a hearing, the administrative law judge has the authority to schedule a telephone hearing. Any party shall have a right not to participate in a telephone hearing, and any party electing not to participate in a telephone hearing shall be granted an in-person hearing. If a hearing is to be conducted by telephone, the notice shall so inform the parties and include instructions for providing the agency with any necessary telephone numbers. The in-person presence of some parties or witnesses at the hearing shall not prevent the participation of other parties or witnesses by telephone. A party to a telephone hearing must submit to the administrative law judge at least 10

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENT(S)

the discretion of the administrative law judge. Requests to take discovery must be made in writing to the administrative law judge with notice to all parties. Discovery may only be taken with the prior permission of the administrative law judge and is subject to the provisions of the Mental Health and Developmental Disabilities Confidentiality Act (740 ILCS 110).

2) Each party shall, on request by another party or the administrative law judge, serve on all other parties a list of potential witnesses who may be called on to testify at the hearing. Such list shall include the address or place of employment of each witness and shall be served within seven days after the receipt of the request.

3) The appellant shall, on request, be allowed to inspect and copy any documents which the Department intends to submit at the hearing. Such request shall be made at least two days before the hearing.

4) Depositions

A) The administrative law judge may order the taking of depositions, specifying the subject matter to be covered, of a person other than the appellant, under oral examination or written questions for use as evidence at the hearing, provided:

- i) It appears to the administrative law judge that the deposition of such person is necessary for the preservation of relevant testimony because of the substantial possibility it would be unavailable at the time of the hearing (such as when a witness has a scheduled vacation or out of town business trip), and
- ii) Such request is made on motion by a party who gives notice of such motion to all other parties to the issue.

B) The taking of depositions shall be in accordance with the provisions for taking depositions in civil cases (Rules 203 through 217 of the Supreme Court (S. Ct. Rules 203-217)), and the order for the taking of a deposition may provide that any designated books, papers, documents or tangible objects that are not privileged be produced at the same time and place.

C) Any other parties to the issue shall have the right to confront and cross-examine any witness whose deposition is taken. The other parties may waive such right in writing, filed with the administrative law judge.

D) Depositions shall be taken in the county of residence or employment of the witness, as specified in Rule 203 of the Illinois Supreme Court (S. Ct. Rule 203), unless the witness waives such right in writing.

1) Subpoenas

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENT(S)

days before the date of the scheduled hearing any documents that are intended to be introduced at the hearing. Copies of the documents must also be provided to any other party prior to the date of the scheduled hearing. All documents submitted to the administrative law judge will be identified on the record.

3) The administrative law judge:

- A) Shall regulate the course of the hearing;
- B) May hold an informal conference for the settlement or definition of the issues;
- C) Shall dispose of procedural requests;
- D) May continue the hearing from time to time when necessary;
- E) May examine witnesses; and
- F) Shall rule on the relevancy of evidence.

4) A party requiring an interpreter must provide an interpreter able and willing to translate verbatim from the witness' language into English or sign language, as appropriate, and vice versa. The administrative law judge will administer an interpreter's oath to any interpreter.

5) At the hearing, both parties may present written, physical and oral evidence. The Department shall have the burden of proving that there was substantial evidence of non-compliance with the Department's standards in licensing and revocation hearings. In all other cases, the appellant has the burden of coming forward with the evidence to show that the decision of the Department is incorrect. At the conclusion of the Department's presentation, the appellant may present written, physical and oral evidence. Written opening or closing arguments, legal memoranda, trial briefs or similar documents shall be permitted on motion granted. This requirement shall not prohibit the administrative law judge, sua sponte, from requesting that certain issues be briefed by the parties.

6) Evidence.

- A) The rules of evidence and privileges as applied in the circuit courts of this State shall apply in these hearings. However, evidence not admissible under such rules shall be admitted if it is of a type commonly relied on by reasonably prudent persons in the conduct of their affairs. Irrelevant, immaterial or unduly repetitious evidence shall be excluded.

B) A party may conduct cross-examination of a witness subject to the evidentiary requirements in subsection (k) of this Section.

C) Notice may be taken of matters of which the circuit court of this State may take judicial notice. In addition, notice may be taken of generally recognized scientific or technical facts within the Department's specialized knowledge. Parties shall be notified before or during the hearing of

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENT(S)

the material noticed and shall be given an opportunity to contest the material so noticed.

- 7) The hearing shall be either taped or stenographically recorded. The Department shall retain the tape or a copy of the transcript. If the appellant appeals the hearing officer's decision, a copy of the tape or the transcript shall be provided to the appellant upon request. The Department may charge the appellant a reasonable fee for reproduction of the tape or transcript.

1) Failure of the party to appear at the scheduled hearing

- 1) Failure of the appellant to appear at the hearing at the time that the hearing is scheduled before the administrative law judge will result in a dismissal of the appeal.

- 2) If a party fails to appear and an adverse decision is rendered, that party may, by letter or on the record, request rehearing of the appeal from the administrative law judge.

- 3) Requests to rehear the appeal must be filed no later than 10 days after the hearing or the date that the party first knew or should have known of the scheduled hearing, whichever is later.

- 4) Based on the statements in the request and the facts of the record, the administrative law judge shall:

- A) If the request meets the requirements of subsection (1)(2) of this Section, schedule a hearing with notice to all parties including a copy of the request to any opposing parties; or

- B) Deny the request, if the request fails to meet the requirements of subsection (1)(2) of this Section, and issue a written decision setting forth the reasons for the denial. In such cases, if an adverse decision on the merits was issued, a timely appeal to the denial of a timely request for rehearing shall also constitute a timely appeal on the merits of the matter.

- 5) At the start of the hearing, any party may present its objections to the request. The administrative law judge will consider all objections and responses and supporting evidence, if any, and will grant or deny the request for a rehearing at that time based on the preponderance of the evidence. If the administrative law judge denies the request, he or she will terminate the proceedings. If the administrative law judge grants the request, he or she will proceed to conduct a hearing on the merits.

- 6) If there is an objection to the request, the administrative law judge's decision, in writing or on the record, will contain any findings of fact and reasons for the decision to grant or deny the request. All denials of requests for rehearing shall be in writing.

- m) Administrative law judge's recommended decision
Within 20 working days after the close of the record, the administrative law judge shall issue his or her recommended decision

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENT(S)

to the Director. The decision shall contain findings of fact, conclusions of law, the reasons for the decision and a recommended disposition of the case. Copies of the recommended decision shall be sent to both parties. The Department's copy shall be sent to the appropriate Director's staff member. The appellant's copy shall be sent via certified mail.

n) The record

The record for a hearing shall include:

- 1) All notices, motions and rulings;
- 2) All evidence received;
- 3) A statement of matters officially noticed;
- 4) Any offers of proof, objections and rulings;
- 5) The hearing officer's recommended decision; and
- 6) Any ex parte communication prohibited by Section 10-60 of the Illinois Administrative Procedure Act [5 ILCS 100/10-60].

o) Director's decision

- 1) The Director shall be provided with the record. Within 20 days after receipt of the record, the Director shall issue a final decision adopting, modifying or reversing the recommended decision. The decision shall include findings of facts and conclusions of law. The Director shall adopt the recommended decision if he or she determines that the recommended decision was supported by substantial evidence. Copies of the final decision shall be sent to the appellant, the appropriate Director's staff member and the administrative law judge.

- 2) The Director's decision shall constitute a final administrative decision in accordance with Section 3-101 of the Administrative Review Law [735 ILCS 5/3-101] and shall include a statement to that effect.

p) Computation of time

- 1) The working day on which any notice, decision or order is mailed by the agency shall be excluded in computing time.
- 2) The working day on which notice is due from a party or action is required by a party shall be included in the computation of time.
- 3) The date on the document shall be rebuttable evidence that it was mailed on that date.
- 4) A postmark placed on the envelope by the United States Postal Service shall be conclusive evidence of the date of mailing.

q) Ex parte communication

- 1) The administrative law judge shall not initiate ex parte communications, directly or indirectly, in any matter in connection with any substantive issue, with any interested person or party. If the administrative law judge receives any such ex parte communication, including any documents, he or she shall inform the other parties of the substance of any such oral communication and provide copies of any such written communication or documents. The other party shall be given an

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENT(S)

opportunity to review any such ex parte communication.

- 2) Nothing shall prevent the administrative law judge from communicating ex parte about routine matters such as requests for continuances or opportunities to inspect the file, as long as all parties are informed of the substance of the ex parte communication. The date and type of communication, the persons involved and the results of such routine communications shall be part of the record.

r) Withdrawal of appeal

The appellant may voluntarily withdraw his or her appeal by signed written statement filed with the administrative law judge or by oral statement on the record at any time before the administrative law judge's decision is issued. All parties will receive written notice of the withdrawal.

s) Waiver

Compliance with this Section or with any or all provisions of the Illinois Administrative Procedure Act regarding contested cases may be waived by written stipulation of all parties.

(Source: Added at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Child Support Enforcement
- 2) Code Citation: 89 Ill. Adm. Code 160
- 3) Section Number:
160.70
Proposed Action:
Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and P. L. 103-432.
- 5) Complete Description of the Subjects and Issues Involved: Pursuant to provisions of Public Law 103-432, these proposed amendments revise procedures for the referral of cases involving past-due support to consumer reporting agencies. As a result of this rulemaking, specified information concerning responsible relatives in Title IV-D cases will be reported to consumer reporting agencies by the Department when the amount of past-due support is or exceeds that required for intercepting federal income tax refunds as provided in 89 Ill. Adm. Code 160.70(c)(2)(A). This threshold reduction is intended to result in an even greater number of responsible relatives choosing to meet their child support obligations in order to avoid being reported to a consumer credit bureau.

The current rule provides that the Department provide information concerning the payment records of responsible relatives to consumer reporting agencies in the event that the past-due amount exceeds \$1,000. The reporting threshold is \$1,000 regardless of case type. In addition, the reporting requirement under the present rule is conditional upon the request of consumer reporting agencies.

The proposed modification requires the Department to report specified information when the delinquency is or exceeds that required for intercepting federal income tax refunds. For Title IV-D AFDC and Title IV-D foster care cases, the Department will report the delinquency when the amount is or exceeds \$150. For Title IV-D Non-AFDC cases, the Department will report the delinquency when the amount is or exceeds \$500. This rulemaking is designed to enhance an existing tool for enforcing child support obligations. It is presumed that the lowering of the threshold for reporting of past-due information to consumer reporting agencies will result in a greater number of responsible relatives choosing to pay past-due child support amounts.

A review conducted in FY 1992 suggested that nearly 35,673 individuals were reported to consumer reporting agencies for failure to pay past-due child support amounts. An estimate of the number of individuals who might presently be subject to such reporting (at the \$1,000 threshold) is 42,674. The lowering of the threshold may serve to result in a substantial (e.g., doubling of present reports) increase to a projected 85,348 upon adoption of this rule.

DEPARTMENT OF PUBLIC AID
NOTICE OF PROPOSED AMENDMENTS

While the lowering of this threshold would not result in any additional costs to the Department, it could serve to potentially increase collections. If 1% of those individuals faced with consumer credit reporting paid their full past-due obligation as a direct consequence of such a prospect, the resulting positive increase in collections would be \$300,000.

These proposed amendments also establish that upon the determination that a responsible relative owes past-due support above the threshold provided by the rule, the Department will proceed to notify the individual at least 15 days prior to furnishing past-due support information to consumer reporting agencies. The period of time for contesting the result of this determination has been shortened by this proposed rulemaking from 30 to 15 days.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may comment on this Proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, IL 62762
(217) 524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

- 12) Initial Regulatory Flexibility Analysis:
A) Types of small businesses, small municipalities and not for profit

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

corporations affected: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: September 1995

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER f: COLLECTIONS

PART 160

CHILD SUPPORT ENFORCEMENT

SUBPART A: GENERAL PROVISIONS

Section
160.1
160.5
160.10
160.12
160.15
160.20
160.25

Incorporation By Reference
Definitions
General Provisions
Administrative Accountability Process
Application Processing Fee for IV-D Non-AFDC Cases
Assignment of Rights to Support
Recoupment

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section
160.30
160.35
160.40
160.45

Cooperation With Support Enforcement Program
Good Cause For Failure to Cooperate With Support Enforcement
Proof of Good Cause For Failure to Cooperate With Support Enforcement
Suspension of Child Support Enforcement Upon Finding of Good Cause

SUBPART C: ESTABLISHMENT AND MODIFICATION OF CHILD SUPPORT ORDERS

Section
160.60
160.61
160.65

Establishment of Support Obligations
Uncontested and Contested Administrative Paternity and Support Establishment
Modification of Support Obligations

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section
160.70
160.75
160.77
160.80
160.85

Enforcement of Support Orders
Withholding of Income to Secure Payment of Support
Past Due Support Information to State Licensing Agencies
Amnesty - 20% Charge
Diligent Efforts to Serve Process

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

Section
160.90

Earmarking Child Support Payments

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

Section 160.100 Distribution Of Child Support For AFDC Recipients
 160.110 Distribution Of Child Support For Former AFDC Recipients Who Continue To Receive Child Support Enforcement Services
 160.120 Distribution Of Child Support Collected While The Client Was An AFDC Recipient, But Not Yet Distributed At The Time The AFDC Case Is Cancelled
 160.130 Distribution Of Intercepted Income Tax Refunds and Other State Payments

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

Section 160.140 Statement Of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

Section 160.150 Department Review Of Distribution Of Child Support For AFDC Recipients
 160.160 Department Review Of Distribution Of Child Support For Former AFDC Recipients

AUTHORITY: Implementing and authorized by Art. X and Sections 4-1.7, 12-4.3 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/4-1.7, Art. X, 12-4.3 and 12-13].

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 15 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993; amended at 17 Ill. Reg. 18841, effective October 18, 1993; amended at 18 Ill. Reg. 697, effective January 10, 1994; amended at 18 Ill. Reg. 12052, effective July 25, 1994; amended at 18 Ill. Reg. 15083, effective September 23,

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1994; amended at 18 Ill. Reg. 17886, effective November 30, 1994; amended at 19 Ill. Reg. 1314, effective January 30, 1995; amended at 19 Ill. Reg. 8298, effective June 15, 1995; amended at 19 Ill. Reg. 12675, effective August 31, 1995; emergency amendment at 19 Ill. Reg. 15492, effective October 30, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 1195, effective January 5, 1996; amended at 20 Ill. Reg. 5659, effective March 28, 1996; amended at 20 Ill. Reg. _____, effective _____.

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section 160.70 Enforcement of Support Orders

a) Definitions

The definitions contained in Section 160.60(a) are incorporated herein by reference.

b) Income Withholding

Whether using the administrative process (see Section 160.60(d)) or the judicial process (see Section 160.60(e)), the Department shall follow the procedures for withholding of income contained in Section 160.75 to enforce and collect past-due support owed by responsible relatives in IV-D cases and it shall as promptly as possible distribute all amounts collected. In addition to income as defined in Section 160.75, the Department shall proceed to collect support from the principal and income of trusts as provided by Section 2-1403 of the Code of Civil Procedure (Ill. Rev. Stat. 1991, ch. 110, par. 2-1403) [735 ILCS 5/2-1403].

c) Federal and State Income Tax Refunds and Other State Payments
 1) The Department shall collect past-due support owed by responsible relatives in IV-D cases through intercept of federal and State income tax refunds and other State payments (see Section 10.05a of the State Comptroller Act (Ill. Rev. Stat. 1991, ch. 15, par. 210.05a) [15 ILCS 405/10.05a]) due such relatives.

2) The Department shall submit past-due support amounts to:

A) the Department of Health and Human Services to intercept federal income tax refunds in accordance with federal instructions as follows:

- i) in IV-D AFDC and IV-E foster care cases, past-due support owed for a child or for a child and the parent with whom the child is living in an amount not less than \$150 which has been in arrears for 3 months or longer; and
- ii) in IV-D Non-AFDC cases, past-due support owed to or for a minor child in an amount not less than \$500.

B) the Comptroller to intercept State income tax refunds and other State payments as follows:

- i) in active IV-D cases, past-due support owed in an amount not less than one month's support obligation or \$150, whichever is less;

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- ii) in inactive IV-D AFDC and IV-E foster care cases, past-due support owed in any amount; and
- iii) in cases in which the responsible relative who owes past-due support is receiving periodic payments from this State because of employment, disability, retirement or any other reason, the Department shall, upon obtaining knowledge of such circumstances, refund any amounts inadvertently intercepted to the responsible relative and proceed to collect past-due support pursuant to the income withholding provisions of the support statutes.

3) The Department shall provide the responsible relative with a notice prior to submitting a past-due support amount for intercept, which advance notice shall inform the responsible relative of the following:

- A) the IV-D case name and identification number;
- B) the past-due support amount which will be submitted for intercept;
- C) the right to contest the determination that past-due support is owed or the amount of past-due support by requesting:
 - i) a redetermination by the Department or, after such redetermination,
 - ii) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept is based, at the request of the responsible relative; and
- D) that the Internal Revenue Service will notify the responsible relative's spouse at the time of intercept regarding the steps to take to protect the share of the refund which may be payable to that spouse, in the case of a joint federal income tax return.

4) A request for a redetermination made within 15 days from the date of mailing of the advance notice shall stay the Department from submitting the past-due amount.

5) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by requesting:

- A) a hearing by the Department within 30 days from the date of mailing of the notice; or
 - B) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept is based.
- 6) If a responsible relative requests administrative review by the state in which the support order was issued upon which the referral for federal income tax refund intercept is based, the Department shall notify the state with the order of the request and shall provide that state with all necessary information

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

within 10 days of the responsible relative's request. The Department shall be bound by the decision of the state with the order.

7) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.

8) The Department shall notify:

- A) any other state enforcing the support order when the request for intercept is submitted and when the intercept amount is received;
- B) the Department of Health and Human Services of any deletion of an amount submitted for federal income tax refund intercept, in accordance with federal instructions;
- C) the Comptroller of any deletion of an amount submitted for State income tax refund or other payment intercept or any significant decrease in the amount; and
- D) the clerk of Circuit Court of the county in which the child support order was entered of any amount intercepted for posting to the court payment record.

9) The Department shall:

- A) as promptly as possible refund to the responsible relative any amount intercepted found to exceed the amount of past-due support owed; and
- B) equitably apportion joint State income tax refunds and other State payments based upon copies of federal and State income tax returns, including all schedules and attachments, or other evidence of ownership, such equitable apportionment to be based on the documented proportionate net income of the parties, and pay to the joint payee that portion of the amount intercepted found to be his; except that the Comptroller shall apportion such refunds and payments in matters where the intercepted funds have not yet been transferred to the Department.

10) The Department shall as promptly as possible apply collections it receives as a result of intercept under this subsection only against the past-due support amount specified in the advance notice provided the responsible relative pursuant to subsection (c)(3) above and shall promptly apply:

- A) federal income tax refunds first to satisfy any IV-D AFDC or IV-D foster care assigned past-due support and then to satisfy any IV-D Non-AFDC past-due support; and
- B) State income tax refunds and other State payments to satisfy any active IV-D AFDC and IV-D foster care assigned past-due support, or first to satisfy active IV-D Non-AFDC past-due support and then to satisfy any IV-D AFDC and IV-D foster care assigned past-due support.

11) The Department shall inform individuals who receive IV-D Non-AFDC support enforcement services, in advance, of the following:

- A) amounts intercepted under this subsection will be applied in

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- accordance with Section 160.130;
- B) any payment received by the IV-D Non-AFDC individual as a result of federal income tax refund intercept may have to be returned to the Department within six years following the end of the tax year if there is an adjustment necessitated by the responsible relative's spouse filing an amended tax return in order to receive his share of a joint tax refund.
- d) Unemployment Insurance Benefits
- 1) The Department shall collect support owed by responsible relatives in IV-D cases through intercept of unemployment insurance benefits in matters wherein the relative has accumulated a past-due support amount equal to a one month support obligation.
 - 2) The Department shall take the following action:
 - A) ascertain that the responsible relative qualifies for receipt of unemployment insurance benefits through access to the Department of Employment Security's (DES) computer file.
 - B) collect child support owed through the intercept of unemployment insurance benefits by initiating procedures for income withholding in accordance with Section 160.75.
 - C) establish the amount to be deducted by data entry to DES's computer file, which amount shall be the lesser of:
 - i) the amount of the income withholding order; or
 - ii) fifty percent (50%) of the Unemployment Insurance Benefit.
 - D) receive amounts deducted direct from DES.
 - E) notify the Clerk of the Circuit Court of the county in which the child support order is registered of each collection for posting to the court payment record.
 - F) post each collection to the Department's payment record.
 - G) apply each collection to the current support obligation, then to past-due obligations.
 - H) provide a redetermination within 180 days from the date of request for redetermination to each relative who disputes the deduction and, where indicated, make adjustments and refund improperly deducted amounts.
 - 3) The Department of Employment Security shall take the following action:
 - A) provide notice to the responsible relative and an opportunity to be heard, when the Department cannot resolve the dispute.
 - B) pay all amounts deducted direct to the Department.
- e) Contempt of Court and Other Legal Proceedings
- 1) The Department shall refer IV-D cases to its legal representatives to initiate contempt of court and other legal proceedings, pursuant to the applicable provisions of the support statutes, for enforcement of orders for support in matters wherein the responsible relative has accumulated a past-due

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- support amount equal to not less than a one month support obligation, except as set forth in subsection (e)(2) below.
- 2) Contempt proceedings shall not be used in the following instances:
- A) the responsible relative has no known available income or assets from which to satisfy the support obligation and is:
 - i) receiving public assistance;
 - ii) mentally or physically disabled;
 - iii) incarcerated;
 - iv) out-of-the-country;
 - v) deceased; or
 - vi) otherwise situated making such action unproductive.
 - B) other legal or administrative remedies are more appropriate under the circumstances.
- 3) Contempt and other legal proceedings shall be used to:
- A) establish the amount of past-due support;
 - B) obtain a judgment for purposes of:
 - i) imposition of a lien against real estate,
 - ii) levy upon real estate and personal property, or
 - iii) registration in another state;
 - C) secure an order for lump sum or periodic payment of the past-due support or judgment;
 - D) require the responsible relative to post security, bond or give some other guarantee of a character and amount sufficient to assure payment of any amount due under the support order;
 - E) obtain full or partial payment of past due support through incarceration;
 - F) ascertain the responsible relative's source and amount of income or location and value of assets;
 - G) secure other enforcement relief; and
 - H) obtain any combination of the above.
- 4) During the course of contempt or other legal proceedings to enforce support, if it shall appear that there is no net income because of the unemployment of a responsible relative, who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving AFDC in Illinois, the Department shall request the court to order the relative to report for participation in job search, training or work programs established for such relatives under Section 9-6 of the Illinois Public Aid Code (221r-Rev-Stat--1991v-chr--23r--par--9-6) [305 ILCS 5/9-6].
- f) Liens Against Real Estate and Personal Property
- 1) The Department shall seek judgment liens against real estate and enforce judgments upon the real estate and personal property of responsible relatives, in IV-D cases in which a referral has been made to initiate court enforcement of an order for support, in accordance with Article XII of the Code of Civil Procedure (221r-

DEPARTMENT OF PUBLIC AID
NOTICE OF PROPOSED AMENDMENTS

the income withholding provisions of the support statutes.
h) Past-Due Support Information to Consumer Reporting Agencies
1) The Department shall report ~~upon request of consumer~~ reporting agencies, ~~provide~~ the following information concerning the ~~payment records of~~ responsible relatives in IV-D cases to consumer reporting agencies when the amount of past-due support is or exceeds that required for intercepting federal income tax refunds as provided in subsection (c)(2)(A) of this Section ~~exceeds \$10,000~~:
A) the name, last known address and Social Security Number of the responsible relative; and
B) the terms and amount of past-due support which has accumulated under the order for support.
2) The Department shall provide the responsible relative with a notice at least 15 days prior to furnishing past-due support information to consumer reporting agencies, which advance notice shall inform the relative of the following:
A) the IV-D case name and identification number;
B) the past-due support amount which will be reported;
C) the date past-due support will be reported; and
D) the right to prevent reporting by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.
3) The Department shall provide the responsible relative with notice of the results of the redetermination and the right to prevent reporting by payment in full of the past-due support found to be owed or to contest the results of the redetermination by requesting a hearing within 30 days from the date of mailing of the notice.
4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.
5) The Department shall be stayed from providing information to consumer reporting agencies by either of the following:
A) a request for
i) a redetermination, or
ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or
B) payment in full of the amount of the past-due support stated in the
i) advance notice, or
ii) notice of redetermination or hearing results.
6) The Department shall advise consumer reporting agencies of changes in the amount of the past-due support found to be owed as a result of a redetermination or hearing conducted after report to such agencies.
i) Past-Due Support Certified to the Illinois Department of Revenue
1) The Department may collect past-due support owed by responsible

DEPARTMENT OF PUBLIC AID
NOTICE OF PROPOSED AMENDMENTS

~~Rev. Stat. 1991, ch. 119, par. 12-101-et-seq. (735 ILCS 5/Art. XII).~~
2) A petition for a rule to show cause or other petition filed by a Department legal representative to enforce an order for support shall contain a prayer that judgment be entered against the responsible relative in the amount of the past-due support alleged in the petition, when both of the following circumstances exist:
A) the past-due amount is at least \$10,000; and
B) the responsible relative has an interest in real estate or personal property against which the judgment may be enforced.
3) Upon obtaining a judgment, Department legal representatives shall secure liens against the real estate of responsible relatives by filing a transcript, certified copy, or memorandum of judgment in the county wherein the real estate is located, in accordance with law (see Article XII of the Code of Civil Procedure ~~1991, Rev. Stat. 1991, ch. 119, pars. 12-101-et-seq. (735 ILCS 5/ Art. XII).~~)
4) A judgment shall be enforced by levy upon the real estate and personal property of the responsible relative in accordance with law (see Article XII of the Code of Civil Procedure ~~1991, Rev. Stat. 1991, ch. 119, pars. 12-101-et-seq. (735 ILCS 5/Art. XII).~~)
9) Security, Bond or Other Guaratee of Payment
1) Except as provided in subsections (g)(2) and (3) below, the Department shall require, or through its legal representative shall request the court to require, a responsible relative to post security, bond, or give some other guarantee of a character and amount sufficient to assure payment of any amount due under a support order in IV-D cases, pursuant to Section 10-17.4 of the Illinois Public Aid Code ~~1991, Rev. Stat. 1991, ch. 23, par. 10-17.4 (305 ILCS 5/10-17.4).~~
2) In cases in which the support obligation is established through the administrative process contained in Section 160.60, the notice of support obligation provided to the responsible relative shall indicate that the Department may require the relative to post security, bond or give some other guarantee of payment. Except where the responsible relative is subject to income withholding, the administrative support order shall contain this requirement in an amount equal to a one year support obligation.
3) In acting upon a referral to establish a support obligation or to enforce an existing order for support, Department legal representatives shall include in the complaint or petition a prayer for an order requiring the responsible relative to post security, bond, or give some other guarantee of payment equal to a one year support obligation, unless the relative is subject to

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

relatives in IV-D cases through certification of the account balance to the Illinois Department of Revenue for collection (see Section 10-17.9 of the Public Aid Code [305 ILCS 5/10-17.9]). The Department may submit past-due support amounts to the Illinois Department of Revenue when the following conditions exist:

- A) past-due support is owed for a child or for a child and the parent with whom the child is living;
 - B) the responsible relative has made no payment directly or through income withholding within 30 days prior to the date of the advance notice under subsection (i)(3) of this Section;
 - C) as of the date of certification, the responsible relative does not have a bankruptcy case pending; and
 - D) the responsible relative is not deceased.
- 3) The Department shall provide the responsible relative with a notice prior to certifying the balance to the Illinois Department of Revenue, which advance notice shall inform the responsible relative of the following:

- A) the IV-D case name and identification number;
- B) the past-due support amount which will be submitted for collection;
- C) the right to contest the determination that past-due support is owed or the amount of past-due support by making a written request for a redetermination by the Department; and
- D) that the responsible relative may avoid certification by establishing a satisfactory repayment plan as determined by the Department.

- 4) Factors for a satisfactory repayment plan will include, but are not limited to:

- A) the amount of past-due support owed;
- B) the amount to be paid toward the past-due amount;
- C) the amount of current child support obligations; and
- D) the individual's ability to pay.

- 5) The Department shall provide the Illinois Department of Revenue the following descriptive information on the responsible relative:

- A) name;
- B) social security number;
- C) IV-D identification number; and
- D) the past-due support amount.

- 6) A written request for redetermination made within 15 days after the date of mailing the advance notice shall stay the Department from certifying the balance to the Illinois Department of Revenue.

- 7) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

right to contest such results by making a written request for a hearing by the Department within 30 days after the date of mailing of the notice.

- 8) A written request for hearing made within 30 days after the date of mailing the notice of results of redetermination shall stay the Department from certifying the balance to the Illinois Department of Revenue, if certifying the balance had been stayed pursuant to subsection (i)(6) of this Section.

- 9) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a written request for hearing, except that Section 104.103(b) and (c) shall not apply.

- 10) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.

- 11) The Department shall:

- A) apply any overpayment by the responsible relative pursuant to the certification for collection as a credit against future support obligation; or

- B) if the current support obligation of the responsible relative has terminated by operation of law or court order, as promptly as possible refund to the responsible relative any overpayment, pursuant to certification for collection, which is still in the possession of the Department.

- j) Other Remedies

The Department shall pursue any other remedies provided for by law to enforce and collect past-due support owed by responsible relatives in IV-D cases.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Developmental Disabilities Service
- 2) Code Citation: 89 Ill. Adm. Code 144
- 3) Section Numbers: Proposed Action:
144.100 Repeal: New Section

- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: These proposed amendments allow the Department of Mental Health and Developmental Disabilities (DMHDD) to make exceptional care payments to long term care facilities designated ICF/MR(SNF,Ped license) for clients with high medical needs. Responsibility for the ICF/MR program rests with DMHDD under the authority of Public Act 87-996. ICF/MR facilities with a license for skilled nursing care for children serve clients with developmental disabilities who are under the age of 21 at the time of admission to the facility. Exceptional care payments will be made for a level of care which has been determined to be medically necessary and which results in exceptional costs on the basis of nursing services, therapy services, and medical equipment and supplies. Rates will be recommended by DMHDD and approved by the Department. These rates will be greater than that SNF/Ped rate of approximately \$137 per resident day, but will be considerably less than the probable hospital rate for comparable services, of \$1,000 day. The exceptional care program for ICF/MR(SNF,Ped) facilities will allow children with high medical needs to receive necessary care outside of more costly hospital environments.

These proposed amendments are expected to result in an increase in expenditures for DMHDD during fiscal year 1996 of approximately \$2 million, and during fiscal year 1997 of approximately \$4 million.

- 6) Will these proposed amendments replace emergency amendments currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
144.25	New Section	March 22, 1996 (20 Ill. Reg. 4526)
144.50	Repeal: New Section	April 12, 1996 (20 Ill. Reg. 5434)
144.300	Amendment	March 8, 1996 (20 Ill. Reg. 4035)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, Illinois 62762
(Phone: (217)524-0081)

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

Any interested persons may review these amendments at the Department of Public Aid's local offices located in each county (except Cook County). In Cook County, the amendments may be reviewed at the Office of the Director, Illinois Department of Public Aid, 310 South Michigan Avenue, Suite 1700, Chicago, Illinois. The amendments may be reviewed at all offices Monday through Friday from 8:30 A.M. until 5:00 P.M. These copies of the amendments are being made available for review in accordance with federal requirements at 42 CFR 447.205.

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: ICF/MR(SNF Ped license) facilities
- B) Reporting, bookkeeping or other procedures required for compliance: None

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: February 1996

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page 7428

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Property Tax Code

2) Code Citation: 86 Ill. Adm. Code 110

3) Section Numbers:

110.101	<u>Proposed Action:</u>
110.105	Amendment
110.110	Amendment
110.115	Amendment
110.120	Amendment
110.125	Amendment
110.130	Amendment
110.135	Amendment
110.140	Amendment
110.145	Amendment
110.150	Amendment
110.155	Amendment
110.160	Amendment
110.165	Amendment
110.170	Amendment
110.175	Amendment
110.180	Amendment
110.190	Amendment

4) Statutory Authority: 35 ILCS 200

5) A Complete Description of the Subjects and Issues Involved: The Revenue Act of 1939 was recodified into the Property Tax Code effective January 1, 1994. Recodification made all of the statutory references in Part 110 of the Department's rules obsolete. Also, the prefix on property tax forms prescribed by the Department has been changed from P.T.A.B. to PTAX to distinguish the forms from those of the Illinois Property Tax Appeal Board.

Many of the rule changes proposed herein are revisions to update the rules for statutory references applicable after recodification and for the new form prefix. A few proposed changes add references to forms that have been in use for some time but are not mentioned in the current rules. Some other modifications are proposed because of statutory changes that have occurred in the time since a given rule was initially adopted or last amended. In a few instances changes are proposed to the current rules for the purpose of stating or clarifying current practice or resolving problems identified by the Department.

Proposed revisions to each rule are described as follows:

Section 110.101:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

determination of exemption, and the notice to certain taxing districts if the exemption would reduce the assessed valuation by more than \$100,000 was added by P.A. 85-1375 in 1988.

The Department currently requests that applications be made in the manner proposed as a requirement in subsection (a)(3). If multiple parcels are purchased in a single deed, then any exemptions granted will have the same effective date, and the Department will issue an exemption approval certificate. But if the parcels are purchased with separate deeds on different dates, the exemptions are for different portions of the year, and issuing an exemption approval certificate from a single application is difficult. (However, subsection (a)(3)(A) allows filing a single application for exemption of multiple parcels acquired by multiple deeds if four criteria are met. Those criteria enable the Department to make the exemption determination for the property represented by each parcel index number the same as if separate applications were filed for each parcel.)

Subsection (a)(4) clarifies that the exemptions only apply to property taxes under the Property Tax Code. Exemptions do not apply to other taxes such as those imposed under the Mobile Home Local Services Tax Act [35 ILCS 515].

Subsection (a)(5) was added to clarify for applicants what is needed in the affidavit of use.

Subsection (b) provides county officials with authority to require applicants for exemption to completely fill out the proper form prescribed by the Department and to supply the necessary documents before the county officials make a determination on the application and forward it to the Department. The authority of Cook County to require a "complaint" to be filed in addition to the application is in 35 ILCS 200/16-115.

Subsection (c)(1) pertains to situations where a taxpayer applies for an exemption while the Board of Review or Board of Appeals is still in session for the previous year. The determination (recommendation) and forwarding of the application and Board(s) statement can only be made while the Board(s) is, are in session for the tax year for which the application is made.

The requirement in subsection (c)(2) is found in 35 ILCS 200/16-70 and 16-130.

Under subsection (d), formerly (a), homestead exemption approvals are no longer reported to the Department pursuant to changes made by P.A. 84-222, effective September 1, 1985, so form P.T.A.B. 327 was discontinued. (See 35 ILCS 200/16-70 and 16-130.)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Under subsection (a)(1), Form PTAX-514 in the series PTAX-501 through PTAX-514 has been discontinued. Also, the word "taxable" is proposed for deletion because some of the items reported and considered in formulas allocating railroad activity are not taxable property.

Under subsection (b), Forms PTAX-520-A through PTAX-523 provide information for the Department's assessment of smaller railroads. Large railroads provide this information within their R-1 annual reports to the federal Interstate Commerce Commission. The data on the PTAX-520-A through 523 forms provide parallel information for the smaller railroads.

The additional language in subsection (c) lists information that has long been collected on the Schedule R series. Schedule R-7b is the same as Schedule R-7a except that Schedule R-7b is the last page and includes a space for a signature and affidavit. The sentence added to subsection (d), formerly (c), restates the long-standing authority granted to the Department by statute. Since the Department mentions the 50 percent penalty in the cover letter transmitting the forms, it also should be stated in the rules.

Section 110.105:

Revisions merely update.

Section 110.110:

Subsection (e)(1) was deleted because Section 5-75 of the Illinois Administrative Procedure Act (IAPA) [5 ILCS 100] does not allow an agency's rules to incorporate by reference the agency's own materials.

Section 110.115:

This rule as it is currently in force covers only the part of the exemption process that occurs after the local officials forward the exemption application to the Department. The proposed language in the first three new subsections spells out the process up to that point to give uniform guidance to local officials and applicants for exemption.

Several changes are proposed in Section 110.115 to account for the change of the Board of Appeals in Cook County to an Interim Board of Review and then to a Board of Review pursuant to P.A. 89-126. The language includes all three boards, i.e., the Board of Appeals, Interim Board of Review and Board of Review, so the rule should work regardless of the status of court action involving P.A. 89-126.

The general provisions for exemption applications are found in 35 ILCS 200/16-70 and 16-130. The forms identified in subsection (a) have been in use for some time. The required information is necessary to make a

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

In subsections (d), (e)(2), (f) and (g), formerly (a), (b) (2), (c) and (d), respectively, the clerks of the Boards of Review and the secretary of the Board of Appeals, rather than the board members themselves, currently fill out, sign and forward the various statements. The secretary position is retained in the statute after the Board of Appeals-Interim Board of Appeals-Board of Review sequence is completed. (See 35 ILCS 200/5-15 as amended by P.A. 89-126.)

In the first sentence of subsection (e), formerly (b), the words "complaint or" are proposed for deletion and moved to a new sentence at the end of the paragraph to avoid confusion. All applications are filed on an "exemption application" form. In counties of more than 3,000,000 inhabitants, taxpayers file "complaints" that property is exempt (see 35 ILCS 200/16-115) in addition to the Department-promulgated exemption application form. (See 35 ILCS 200/15-5, 8-5(4) and 8-50.) The Department currently receives a copy of the complaint form from Cook County exemption requests in addition to copies of the exemption application and associated documents. The complaint form is sometimes helpful in the Department's determination of the exemption, and the new sentence at the end of the paragraph provides that the county continue to forward a copy of the complaint form to the Department.

The additional language is proposed for the end of the first sentence of subsection (e), formerly (b), because counties sometimes do not make the "determinations" (recommended decisions) that they are required to make (see 35 ILCS 200/16-70 and 16-130) before forwarding the application to the Department and because counties sometimes don't forward the required documentation to the Department along with the application itself.

In subsection (e)(1), formerly (b)(1), affidavits and articles of incorporation are deleted because they are generally covered in the new (a)(1), although additional affidavits covering specific issues may be requested. A few examples are added of the types of documentation that are sometimes necessary for the Department to make a determination on an exemption.

Subsection (h), formerly (e), is divided into (h)(1) and (h)(2) and then (h)(3) and (h)(4) are added.

Under subsections (h)(1) and (j), formerly (e) and (f), respectively, the decision form numbers, which have been changed, have been moved to (h)(3).

Subsection (h)(2) states the current practice of who is sent copies of the Department's decision and clarifies that it includes all decisions, not just approvals.

Subsection (h)(3) clarifies who the Department recognizes as intervenors for the purpose of notification of the decision under (h)(2).

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Subsection (h)(4) describes the types of decisions that the Department may make on an exemption application.

Subsection (i) is a new subsection. Subsection (i)(1) clarifies that an applicant who does not like a decision should seek a hearing under (i)(2) and not refile an application for the same tax year. Subsection (i)(2) indicates the possibility of application for a hearing with the Department under Section 110.145. Subsection (i)(3) identifies the possibility for administrative review in the courts of a decision after hearing.

The obligations to file certain documents or give certain notices in subsections (k), (l) and (m) are found in the statutory references cited in the respective subsections. The subsections identify who has the duty under the statute.

Section 110.120:

Revisions merely update.

Section 110.125:

The words "within 30 days of the date the collector's books are completed" is added to the end of subsection (a) for the forms that report to the Department various abstracts of assessments and extensions. The statute requires these abstracts be made "When the collector's books are completed...". This statutory language seems to indicate that the filing of the abstracts should occur immediately but does not give a specific time frame. The proposed rule sets this time at 30 days, which is a reasonable deadline.

The last clause of subsection (a)(1) is deleted because this information is no longer collected.

The subsection (a)(3) that is stricken is moved to subsection (e)(1) below because it is now reported by the Chief County Assessment Officer.

In subsection (a)(3), formerly (a)(4), the proposed language change more accurately reflects what form PTAX-251-TIF requests, e.g., the aggregate equalized assessed valuation (EAV) change in the tax increment financing (TIF) district. Also, the last sentence is deleted because the abatements that used to be tracked there now have forms appropriate to their data in subsections (a)(4) and (a)(5) below.

In subsections (a)(4) and (a)(5), the newly cited forms PTAX-255-TA and PTAX-255-EWA were needed because of the creation and expansion of laws on abatements.

In subsection (a)(6), the newly cited form PTAX-255-CAP collects summary

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

information on the impact on taxing districts of property tax caps under the Property Tax Extension Limitation Law. [35 ILCS 200/18-185]

In subsection (a)(7), the Department has been collecting this information on a simple one-page sheet for some time, but the sheet was assigned form number PTAX-256.

In subsection (b)(1), formerly (a)(5), the 30-day requirement is in 35 ILCS 200/9-250. Also, provision is made for an Interim Board of Review. (See the explanation under the second paragraph of Section 110.115 above.)

In subsection (b)(2), formerly (a)(6), the 30-day language is substituted for "promptly" because the Department has long required the information to be submitted within 30 days. The 30-day requirement appears on the face of form PTAX-270 and in the Illinois County Clerks' Official Property Tax Manual prepared by the Tax Manual Committee of the Illinois Association of County Clerks and Recorders.

In subsection (b)(3), the information on newly cited form PTAX-610 is required to provide the State Board of Education with sufficient data to apportion State aid to schools. The April 30 date appears in the Illinois County Clerks' Official Property Tax Manual and appears on the form itself (except May 15 appeared on the form in 1995 because of delays in printing and distributing the form). The information must be received on time because the Department must forward the data to the State Board of Education for school aid formula adjustment.

In subsections (b)(4) and (b)(5), the Department does not have a PTAX form to collect the information. In subsection (b)(4), the Department sends out a copy of its PTA 205-10 report, and the county returns the report with any changes. In subsection (b)(5), the statute requires the information be submitted, and Cook County submits the information on a computer printout of its own design. The information in subsection (b)(5) must be received by the State Board of Education by May 1, according to the State Board of Education, so the April 1 deadline for getting the data to the Department seems appropriate. In recent years the Department has been receiving the information several months before April 1.

In subsection (b)(6), the requirement to provide the assessment information on overlapping districts to the Department upon request and to provide it within 30 days of receipt of the request is found in 35 ILCS 200/18-155(b).

In subsection (c), formerly (b), the form PTAX-204-R is a supplement to PTAX-204 that reports reclassification of property among residential, commercial, industrial, farm and other classes, which is the reason for adding "and reclassification of property" to this subsection.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

In subsection (d), formerly (c), the requirement that the abstracts be submitted in December is found in 35 ILCS 200/20-125. (The county treasurers are ex officio county collectors. See 35 ILCS 200/19-35.)

All of the reports filed by the Chief County Assessment Officer have been consolidated under subsection (e), formerly (d). As mentioned above, subsection (e)(1) is moved from the county clerk list of reports because the form PTAX-538 is now transmitted by the Chief County Assessment Officer. In subsection (e)(2), the form PTAX-280-R is added because it is a reclassification supplement to PTAX-280-A just like PTAX-204-R is a supplement to PTAX-204 in subsection (c) above. Also in subsection (e)(2), the 30-day requirement for PTAX-280-A and PTAX-280-R is statutory and is found in 35 ILCS 200/17-15. And finally in subsection (e)(2), provision is made for an Interim Board of Review as in subsection (b)(1).

Section 110.120:

In subsection (b)(1), the additional language at the beginning of the sentence reflects the long-standing statutory right of a county to assign the tax mapping and property owner listing to the county recorder. (See 35 ILCS 200/9-35.) The deleted sentence about maintaining lists is moved into the first sentence. The language of subsection (b)(1) is limited to counties of less than 3,000,000 because the statutory sections that lay out these requirements (see 35 ILCS 200/9-35 and 9-40) exclude Cook County. There apparently are no statutory sections with comparable requirements for Cook County.

The additional two sentences at the end of subsection (b)(1) reflect long-standing statutory authority and rights. (See 35 ILCS 200/8-5(4) and 9-20.)

In subsections (b)(2) (improvements) and (b)(3) (land), the word "computations" is added because the computations (sometimes referred to as the "computation ladder") are crucial to a meaningful property record card. These computations demonstrate how the assessor converts the measurements, description, classification and elements into an assessment. This is just a clarification and not a new requirement. The computations have long been an integral component of the property record card as described in the Illinois Real Property Appraisal Manual.

Section 110.135:

The changes in this Section are proposed to account for the change from the Board of Appeals in Cook County to the Interim Board of Review and then to the Board of Review under P.A. 89-126. As with Section 110.115 above, the proposed language should enable the rule to work in tandem with any court action involving P.A. 89-126.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

The extensive addition in subsection (d) parallels the new language in 35 ILCS 200/16-95 as amended by P.A. 89-126. The second sentence in subsection (e) is restructured because it was difficult to comprehend as currently written. The added language in subsection (f) is needed because changes in 35 ILCS 200/12-50 as amended by P.A. 89-126 make the written notice of decisions applicable to Cook County when it has a Board of Review or Interim Board of Review.

Section 110.140:

Subsection (a)(2) is changed to conform with the provisions of 35 ILCS 200/16-55.

The new subsection (a)(3) states statutory provisions that were added in 1991. (See 35 ILCS 200/16-55.)

The two new sentences at the end of subsection (b) merely state statutory provisions that sometimes have been overlooked by local officials. (See 35 ILCS 200/14-20 and 16-75.)

The last sentence in subsection (g) details what is required on the form since the current language in the rule does not provide any detail.

Section 110.145:

The additional language in the Section heading clarifies that this Section applies to hearings on property tax issues before the Department.

Adding the words "made by the Department" in the first sentence of subsection (b) helps clarify that the only assessments that the Department hears complaints about are the assessments that the Department itself makes (railroad operating property, pollution control facilities and low sulfur dioxide emission coal fueled devices).

Transcripts of the record may be purchased by others in addition to "objectors", so the language is changed in subsection (d) to make that clear.

Most of the formal property tax hearings involve exemptions. The others involve determination of railroad operating property vs. noncarrier real estate and Department assessments of railroad operating property or pollution control facilities and low sulfur dioxide emission coal fueled devices. The proposed language change in subsection (f) attempts to clarify that only one set of exhibits needs to be filed in exemption matters. Some exemption hearing applicants have been confused by the current language and have filed three copies unnecessarily. The current language also does not clearly state how many copies are to be filed in other cases. This makes it clear that three copies shall be filed.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

In subsection (g), the deleted form has been discontinued, and the subsection is no longer applicable. The new language under subsection (g) recognizes the difference between the "informational" hearings held by Department employees in the local government section and "contested" cases heard by Department Administrative Law Judges. The Illinois Supreme Court pointed this out in *Advanced Systems, Inc. v. Johnson*, 126 Ill. 2d 484 (1989), which holds that a tentative equalization hearing is not a "contested case" under the IAPA but is an "information-gathering forum."

The same analysis should apply to apportionment hearings. Section 18-155a states "The Department may conduct hearings, at which the evidence shall be limited to the written presentation of assessment ratio study data." It is clear that this is an informational proceeding and not a "contested case" under the IAPA.

The changes in subsection (h) have come about because of changes in the Rules of Practice and Procedure for Hearings before the Illinois Department of Revenue (86 Ill. Adm. Code 200). Some of the new subsections in Part 200 apply to property tax hearings, and they are included. Other subsections apply only to income or sales tax hearings and are excluded from subsection (h).

Section 110.150:

The current figure of 35 cents per page has not been adjusted since 1981. The new subsection (b) is added to account for the fact that many of the requested copies are now faxed, and faxes didn't exist when the rule was last amended 15 years ago. The new subsection (c) is added because the property tax area of the Department sells some multi-page documents for less than the specified per page rate. Subsection (d), formerly (b), is amended because the Department has a large mapping printer. If copies are ever sold from that, they could cost considerably more than \$1.00 per copy to produce, and the cost could vary according to the size and information on the copy.

Section 110.155:

Several changes are proposed in this section. Some of the new language merely states current practice, but much of the new language is needed because of two problems. First, the original language did not anticipate the states providing for the possibility of examination requirements in counties that elect Board of Review members. The Department has been giving exams in the elected counties, but there has been some confusion about who is to request the examinations and when they are to be requested. The new language addresses the differing needs of appointed and elected counties in terms of who requests the exams and when they are to be requested. Second, on occasion the Department has sent employees to counties to give an examination after a request only to find that no one

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

because the yield data currently utilized is based upon a longer-term trend analysis by the University of Illinois College of Agriculture.

Section 110.170:

In subsection (b), several sentences have been inserted to clarify the procedure used for determining the level of assessment and coefficient of dispersion. These are not proposed changes in the procedure but merely explain the process that is currently used.

Also in subsection (b), forms PTAX-280-R and PTAX-204-S/A are used in addition to PTAX-280-A in determining whether a Supervisor of Assessments qualifies for the bonus. All three forms are discussed in Section 110.125.

In subsection (e), the 90-day requirement is deleted because it is not always possible to meet the deadline. Assessors may file as early as April 15 of the assessment year, but the Department cannot make its determination until the tentative multiplier is certified, which could be January of the following year. If objections to the tentative multiplier and/or sales ratio study are presented at the tentative multiplier hearing, the determination cannot be made until the report on the hearing has been written (which must be done within 30 days of the hearing).

The new subsection (f) is added because the Department often receives questions from assessors and their employers on the withholding issue. The new subsection reflects the long-time State policy of withholding certain taxes and contributions from annual stipends by the Department (for this assessor stipend and the stipend for county treasurers) and by other State agencies (e.g., the Department of Commerce and Community Affairs for stipends to county sheriffs, the State Board of Elections for stipends to county clerks and chief clerks of county boards of election commissioners, and the Illinois Supreme Court for stipends to circuit clerks). The policy of all these agencies follows the guidance given to the State Board of Elections in Illinois Attorney General Opinions 82-034 (October 12, 1982) and 83-014 (September 28, 1983).

Section 110.175:

When the Revenue Act of 1939 was recodified into the Property Tax Code, paragraph 434b was divided into several sections, and two of those sections need to be cited in the first sentence of Section 110.175. It is also important to parallel the statutory language "50% of the amount of salary the county paid to the officer for the preceding month" because some counties have filed for reimbursement for ancillary costs like accumulated sick and vacation days when a Supervisor of Assessments retires. The new language in the final paragraph clarifies what the Department considers "salary the county paid to the officer for the

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

shows up to take the test.

The 21-day requirements in subsections (a)(1) and (a)(2) will enable the Department to arrange to give the test, will provide time for notice of the test to be published, and will give test takers the opportunity to get study materials and prepare for the examination. For counties that elect Board of Review members, the requirement in subsection (a)(2) that the county clerk request the examination within 5 days after the deadline for filing nomination papers, when someone has filed who is not on the eligibility list, enables the exam to be given during the window between the filing period and certification of the ballot.

The notice requirement in subsection (a)(3) is similar to that currently required by the Department for both Board of Review and Supervisor of Assessments examinations. However, it adds a new requirement about registering for the examination by 10 o'clock of the morning of the business day before the exam is to be given so that the Department can avoid sending out employees to give an exam and not have anyone show up to take it. Since the proposed rule provides that the exam "may" be cancelled in the first sentence of subsection (a)(4), the Department would be allowed to hold the examination anyway if there is an indication that at least one test taker will show up. The proposed rule (and current Department practice, which allows applicants to register on the day of the exam) allows the Department to accept late-filing applicants.

The change at the end of subsection (b), formerly (a), takes language that was difficult to understand regarding the period of time an exam is valid and substitutes a three-year period. Under either the old language or the new, the exam would be valid for an appointment or election two years into the future but not four years into the future.

Section 110.160:

A few changes have been made in this Section because new multi-township assessment districts have been formed or old ones are no longer in existence. Also, a few spelling errors have been corrected.

Section 110.165:

The deleted language in subsection (b) does not serve any purpose and is more confusing than helpful.

A few changes in subsection (c)(5) are proposed to reflect the fact that 35 ILCS 200/10-115 requires the Farmland Assessment Technical Advisory Board to provide the base data to the Department for calculating the farmland assessed values. The University of Illinois College of Agriculture determines some, but not all, of the base data provided by the advisory board. Also, the example of the 10-year yield data is deleted

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

preceding month" for purposes of reimbursement.

Section 110.180:

As with qualification examinations for Board of Review members in Section 110.155, the Department has experienced problems with last-minute requests for examinations and with confusion of local officials about who is to request examinations. Also, the statutory provisions regarding elected Supervisors of Assessments were added to language originally designed for appointed Supervisors of Assessments. Most of the changes in this Section attempt to resolve the difficulties brought about by these situations.

The new subsection (a) makes a clear statement that passing the examination is a requirement for both appointed and elected Supervisors of Assessments.

The new subsection (b) lets all interested persons know they may take the examination in any county. This may save the Department from sending out personnel to give examinations in other counties in the future.

The proposed changes in subsection (c), formerly (a) and the addition of the new subsection (d), divide the examination requests between those coming from counties that appoint Supervisors of Assessments and those that elect them. The 21-day requirement will enable the Department to arrange to give the test, will provide time for notice of the test to be published, and will give test takers the opportunity to get study materials and prepare for the examination.

The change proposed in subsection (c)(3) clarifies that it is the intention of the presiding officer of the county board that is controlling rather than a vote of the county board (see 35 ILCS 200/3-25).

The requirement in the new subsection (d) for an individual to request the county clerk to request the Department to give the exam attempts to resolve a couple of concerns. First, since candidates frequently prequalify by taking the examination in some other county, there are many elections where an examination may not need to be given in a county. Second, it requires the county clerk to request the examination when someone does need to take it to qualify to file nomination papers. There has been confusion in the past in counties that elect the Supervisor of Assessments whether the county clerk or the presiding officer of the county board is to make the request for an examination. This clearly puts the duty in the hands of the county clerk who oversees the filing of nomination petitions, but it allows the presiding officer to make the request and relieves the county clerk of the duty if the presiding officer makes the request.

Subsection (e), formerly (b), was originally limited to defining the

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

length of time an eligibility list for appointments would remain valid regardless of whether the two-year period expired before the appointment was actually made. Appointees also can prove eligibility by a grade slip, and election candidates can prove eligibility either by being on a certified list or by grade slip. The changes in subsection (e)(3) and the addition of subsection (e)(4) define the eligibility periods for those situations.

The new subsection (f) explains the methods by which a person may demonstrate that he or she has met the examination requirement. This subsection states the methods that have been acceptable in the past and do not add new methods.

The added language in subsection (g)(1), formerly (c)(1), outlines the current Department practice of allowing individuals who take the examination to identify which, if any, lists on which they want their names to appear. The addition of subsection (g)(4) provides a method for the county clerk to get a certified list before the nomination petitions are filed.

The new language in subsection (h)(1), formerly (d)(1), recognizes that the Department rarely, if ever, needs to give regional examinations because interested parties take the examination when offered in other counties.

The addition of subsection (i)(4), specifies the information required in the notice which is published by the Department for regional examinations or published by the county for examinations that have been requested by the county. The seven-day period is statutory (see 35 ILCS 200/3-5).

The new language in subsection (j)(1), formerly (f)(1), takes into consideration the fact that counties sometimes change whether they appoint or elect Supervisors of Assessments. The changes in subsection (j)(2), formerly (f)(2), make the language consistent with subsection (a) and with 35 ILCS 200/3-5.

Section 110.190:

Under subsection (a), the proposed amendments change the definition of "new property" to include property exempt in the prior year and taxable in the levy year because of the change by P.A. 89-138, effective July 14, 1995.

Subsection (a)(2) was dropped because the 1991 levy year is over. The statute at 35 ILCS 200/18-240 has been amended to delete this reference.

The change from a comma to "or" in the first sentence of subsection (a)(3)(B) makes the language consistent with the last sentence of the

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

subsection and also acknowledges the change in from the word "and" to "or" in Section 9-130 of the Property Tax Code [35 ILCS 200/9-130] brought about by P.A. 89-412.

Subsection (a)(4)(C), formerly (a)(5)(C), has been deleted because of the effect of P.A. 89-138 discussed above.

Subsection (a)(4)(F), formerly (a)(5)(G), is amended to include the Industrial Jobs Recovery law because the effect of these improvements is analogous to those in tax increment districts (see P.A. 89-1, effective February 12, 1995, as it amends Section 18-195 with respect to "recovered tax increment value") and is amended to include the Economic Development Area Tax Increment Allocation Act (see P.A. 89-436, effective January 1, 1996, as it amends Section 18-135 with respect to "recovered tax increment value").

Subsection (c)(3) is deleted because of the change in Section 18-225 [35 ILCS 200/18-225] in P.A. 89-1, effective February 12, 1995.

Most of the other changes update the statutory cites. In checking the references under subsection (b), it may appear the reference should be to 18-190(a), but P.A. 89-385, effective August 18, 1995, eliminated 18-190(b) and thus deleted the "(a)" at the top of the section.

6) Will this proposed rule replace an emergency rule currently in effect: No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part: No

10) Statement of Statewide Policy Objectives: State Mandates: If any of the proposed amendments to the rules (e.g., the published notice of a board of review qualifying examination under Section 110.155 (a)(3)) is considered a State mandate, the Department believes the costs associated with any such mandate would be so small that the State reimbursement would not be required under Section 8 of the State Mandates Act (35 ILCS 805/8).

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing no later than 45 days after publication of this notice to:

Jerry Lanter
Counsel - Property Tax
Illinois Department of Revenue
Legal Services Office

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

101 West Jefferson
Springfield, IL 62794
(217) 782-6336

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Section 110.101 may apply to small railroad businesses and Section 110.115 may apply to small municipalities and not for profit corporations, but the changes in those Sections primarily restate and clarify requirements under current statutes, Department policies and Department forms.

B) Reporting, bookkeeping or other procedures required for compliance: Nothing additional to those required by statute, policies and forms. See (A) above.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The Department did not anticipate completing this major review and revision of its current property tax rules in as short a time as it has been accomplished.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 110

PROPERTY TAX CODE

Section	
110.101	Railroads
110.105	Non-carrier Real Estate of Railroads
110.110	Procedures for Assessment of Pollution Control Facilities and Low Sulphur Dioxide Emission Coal Fueled Devices
110.115	Oil Right Lessees and Producers
110.120	Non-Homestead Exemption Proceedings
110.125	Reports to be Filed with the Department
110.130	Hearings and Records of Chief County Assessment Officers
110.135	Assessor-Supervisor-of-Assessments-or-Board-of-Assessors
110.140	Review of Assessments - Counties of 3,000,000 through 7,999,999 or More
110.145	Board of Review Procedures and Records - Counties of Less than 3,000,000 through 7,999,999
110.150	Farmland Factor Review Procedures (Repealed)
110.155	Practice and Procedure for Hearings on Property Tax Matters Before the Illinois Department of Revenue
110.160	Records Reproduction
110.165	Appointment or Election of Board of Review Members After Examination
110.170	Multi-township Assessment Districts
110.175	Farmland Assessment Review Procedures
110.180	Assessors' Bonus
110.190	Equalization by Chief County Assessment Officers in Counties with Fewer Than 3,000,000 Inhabitants Supervisor-of-Assessments
	Supervisor of Assessments Examination
	Property Tax Extension Limitation

AUTHORITY: Implementing the Property Tax Code [35 ILCS 200] and authorized by Sections 39b19 and 39b35 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b19 and 39b35].

SOURCE: Adopted June 1, 1940; amended at 5 Ill. Reg. 2999, effective March 11, 1981; amended at 5 Ill. Reg. 5888, effective May 26, 1981; amended at 6 Ill. Reg. 9707, effective July 27, 1982; amended at 6 Ill. Reg. 14564, effective November 5, 1982; codified at 7 Ill. Reg. 5886; amended at 8 Ill. Reg. 24285, effective December 5, 1984; amended at 9 Ill. Reg. 159, effective December 26, 1984; amended at 9 Ill. Reg. 12022, effective July 24, 1985; amended at 10 Ill. Reg. 11284, effective June 16, 1986; amended at 10 Ill. Reg. 15125, effective September 2, 1986; amended at 11 Ill. Reg. 19675, effective November 23, 1987; amended at 11 Ill. Reg. 20972, effective December 11, 1987; amended at 12 Ill. Reg. 14346, effective August 29, 1988; amended at 13 Ill. Reg. 6803, effective April 12, 1989; amended at 13 Ill. Reg. 7469, effective May 2, 1989; amended at 15 Ill. Reg. 3522, effective February 21, 1991; emergency rule added at 15 Ill.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Reg. 14297, effective October 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 2624, effective February 4, 1992; emergency amendment at 17 Ill. Reg. 22584, effective January 1, 1994, for a maximum of 150 days; emergency expired May 30, 1994; amended at 18 Ill. Reg. 15618, effective October 11, 1994; emergency amendment at 19 Ill. Reg. 2476, effective February 17, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. _____, effective _____.

Section 110.101 Railroads

- a) All companies, corporations or associations owning, operating or constructing a railroad, a suburban or interurban railroad, a switching or terminal railroad, a railroad station or a railroad bridge in this State shall make a return of taxable property on Form Nos. PTAX-501 through PTAX-513 and PTAX-531 through PTAX-537 ~~P-2-A-R-3-501-through-514-and-531-through-537~~. Operating companies shall return all railroad property which they use exclusively whether owned by subsidiaries, leased lines or others, and they shall also list jointly used and owned property in which they have preponderant interest. Joint facilities in which interests are equal shall be listed by only one of the using companies. Companies which do not engage in railroad operations, but merely hold title to railroad property, shall return all such property used jointly by others. Owning companies shall make sure that users list all property as required by this Regulation.
- b) Companies, corporations or associations with Class II through Class IV railroad operations shall return the results of railroad operations, detailed information for joint facilities and depreciation expenses, road and equipment property and railroad operating statistics on Form Nos. PTAX-520-A through PTAX-523. Information collected on the Forms shall be similar to that collected on portions of returns made for Class I railroad operations on the federal R-1 annual report to the Interstate Commerce Commission or its successor agency. Class I through Class IV railroads shall be those classes as defined by the Interstate Commerce Commission of its successor agency.
- c) ~~Let~~ Legal Description. All railroad companies shall file periodically with the Department and with county clerks the location and legal description of their right of way, track, improvements, trackage rights, operating property off the right of way and non-carrier real estate in Illinois on Schedules R-1 to R-7b R-7 inclusive. Except as otherwise may be ordered by the Department, this requirement shall be fulfilled by the annual substitution of revised and corrected sheets for those pages made obsolete by changes in the right of way.
- d) ~~Let~~ Form Nos. PTAX-501 through PTAX-513, PTAX-520-A through PTAX-523 and PTAX-531 through PTAX-537 ~~P-2-A-R-3-501-through-514-and-531-through-537~~ and Schedules R-1 to R-7b R-7 shall be filed annually with the Department at its Springfield office between the 1st day of April and the 1st day of June. If a railroad company fails to timely file documents required under this Section the Department shall assess the

DEPARTMENT OF REVENUE
NOTICE OF PROPOSED AMENDMENTS

- and-502a-127 and this Part.
- 2) Pollution control facilities are to be valued for property tax purposes in relation to the fair cash value of their economic productivity to their owners. For the purpose of determining the fair cash value of any pollution control facility the Department shall take into consideration the actual or probable net earnings attributable to the facility (capitalized on the basis of its productive earning value to its owner), the probable net value which could be realized by its owner, if the facility was removed and sold at a fair, voluntary sale (giving due account to the expense of removal and condition of the particular facility) and such other information as the Department may consider relevant.
- 3) For the purpose of determining the fair cash value of low sulphur dioxide emission coal fueled devices for property tax purposes, the Department shall determine such value to be the net value which could be realized by its owner if the device were removed and sold at a fair, voluntary sale, giving due account to the expense of removal, site restoration, and transportation.
- 4) Upon receiving written notification from the Pollution Control Board of the issuance of a certificate that property in a county is a pollution control facility or a low sulphur dioxide emission coal fueled device, the Department shall submit to the County Board of Review or County Assessor, as the case may be, a copy of the certification with all available descriptive information of the property so certified. The Department shall also submit to such Board of Review or County Assessor a notice on Form No. PTAX-400 P-7-A-B-100 that the local assessment, if any, which is assigned to the property which has been so certified should be removed from the tax roll. Such notice also shall recite the first assessment year for which the removal from the local property tax roll is to be given effect.
- 5) Upon receipt of the notice described in subsection (a)(4) of this Section Regulation the County Board of Review or Assessor shall remove from the local property tax rolls, commencing with the assessment year specified in the said notice, any valuation on such local property tax rolls which can be identified as being directly attributable to the specific facility which has been certified as a pollution control facility or a low sulphur dioxide emission coal fueled device. The county officials shall notify the Department on Form No. PTAX-100 P-7-A-B-100 of the action taken.
- 6) Upon the completion of the original assessments to be made by the Department, it shall publish a full and complete list of such assessments in the State's "official newspaper". Any person or corporation feeling aggrieved by any such assessment may apply to the Department for a review and correction, if necessary, of the assessment, in the manner provided in Section 110.145 of this

DEPARTMENT OF REVENUE
NOTICE OF PROPOSED AMENDMENTS

property of the railroad company according to the Department's best information and judgment at 33 1/3 percent of the property's fair cash value and may add to that valuation an amount equal to 50 percent of its valuation in accordance with Section 11-115 of the Property Tax Code [35 ILCS 200/11-115].

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 110.105 Non-carrier Real Estate of Railroads

When the railroad returns required under Section 110.101 of this Part have been filed, the Department shall transmit to the Chief County Assessment Officers ~~Office~~ copies of Form Nos. PTAX-536 and PTAX-537 P-7-A-B-536 and-537 which list the "non-carrier real estate" as defined in Section 11-70 of the Property Tax Code [35 ILCS 200/11-70] 79-06-of-the-Revenue-Act-95-19937--as-amended-1111 Rev---Stat--1997--ch-120--par-5607. If such assessment officials have reason to believe that the items of property set forth in these Schedules do not include all "non-carrier real estate" of the reporting carrier located within their jurisdiction, they shall, within 30 days from the date of transmittal by the Department, object to the classification adopted by the reporting railroad. Their objection shall be filed with the Department and it shall set forth the location and nature of the property alleged to be classified improperly and the basis for the allegation. The Department thereupon shall consider the facts presented and, if necessary, request additional information from the Chief County Assessment Officer ~~of the county~~ assessment-office of the railroad or both. Within 60 days after receiving the objection, the Department shall determine whether the property is "non-carrier real estate" or "operating property" and notify the local assessment officers and the reporting carrier of its decision. An application for hearing shall be made in the time and manner provided by Section 8-35 of the Property Tax Code [35 ILCS 200/8-35] 197-05-the Revenue-Act-95-19937--ch-120--par-5607. Non-carrier real estate which includes improvements owned by lessees shall be listed in the railroad books as property of the railroad.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 110.110 Procedures for Assessment of Pollution Control Facilities and Low Sulphur Dioxide Emission Coal Fueled Devices

- a) Assessment Procedure
- 1) The Department shall assess property which has been certified by the Illinois Pollution Control Board to be a pollution control facility or a low sulphur dioxide emission coal fueled device in accordance with Section 11-25 21a-5 or Section 11-50 21a-12 of the Property Tax Code [35 ILCS 200/11-25 and 11-50] Revenue-Act-95-19937--as-amended-1111 Rev---Stat--1997--ch-120--par-5607-5

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

number(s) are associated with each deed; and
iv) the application identifies any variation of use or other qualifying information or characteristic (e.g., leases, photos, affidavits of use, parsonage, convent questionnaires or other information required for the type of exemption application submitted) by parcel index number and deed.

B) An applicant may file an application for exemption of multiple parcels acquired by the same deed on one application form, but the application shall identify any variation of use or other qualifying information or characteristic (e.g., leases, photos, affidavits of use, parsonage, convent questionnaires or other information required for the type of exemption application submitted) by parcel index number.

C) An applicant shall file an application for exemption of a single parcel acquired by multiple deeds on one application form.

4) Applicants for exemption shall be filed only on property subject to taxation under the Property Tax Code [35 ILCS 200] for example:

A) If a mobile home is subject to a privilege tax under the Mobile Home Local Services Tax Act [35 ILCS 515], it is not eligible for exemption even though it is used as a parsonage or some other qualifying use. (However, an applicant may file an exemption application on the land upon which such a mobile home rests.)

B) A leasehold estate taxable under Section 9-195 of the Property Tax Code [35 ILCS 200/9-195] shall be eligible for exemption where the lessee and the use of the leasehold qualify for an exemption. An application for exemption of a leasehold estate shall be filed by the lessee.

5) For purposes of compliance with this Section, an affidavit of use shall be a signed, dated, notarized, written statement about the use or uses of the property for which an exemption application is made. The statement shall include at a minimum the parcel index number(s) for the property, the name of the affiant, the relationship of the affiant to the property (i.e., how the affiant acquired personal knowledge about the use of the property) and a detailed description of the actual use or uses of each parcel of property represented by a parcel index number during the year for which the exemption is sought.

b) Filing and accepting a non-homestead exemption application
An exemption application prepared in accordance with subsection (a) above shall be filed with the Board of Review, Interim Board of Review or Board of Appeals in the county in which the property is located. The Board of Review, Interim Board of Review or Board of Appeals shall accept an application only if the taxpayer has used the correct

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

application form, has filled out the application completely, has attached the required documentation and, unless the conditions in subsection (a)(3)(A) or (a)(3)(B) above are met, has included only one parcel on the application form. In counties with more than 3,000,000 inhabitants, the Board of Appeals, Interim Board of Review or Board of Review may require the filing of a complaint form in addition to the exemption application.

c) Determination (recommendation) with respect to an exemption application

1) A Board of Review, Interim Board of Review or Board of Appeals shall consider exemption applications only for the tax year for which that Board is in session. A Board shall not consider exemption applications for previous or subsequent tax years. For example, if a 1995 Board is still in session in January of 1996, an application for exemption for the 1996 tax year shall not be considered by that 1995 Board and a determination (recommendation) on that application shall not be made by that Board and forwarded to the Department. Only a Board in session for the 1996 tax year shall consider and determine exemption applications for the 1996 tax year.

2) The Board of Review, Interim Board of Review or Board of Appeals shall make a determination (recommendation) on each application for exemption.

d) Forwarding of statement to Department
Whenever a Board of Review, Interim Board of Review or Board of Appeals in any county determines that any property is or is not liable to taxation, and when the question as to the liability of such property to taxation has not previously been judicially determined or there has been a change in ownership, leasehold estate or use of such property since the last such previous determination, it shall be the duty of the Clerk of the Board of Review or, in counties with 3,000,000 or more inhabitants, the Secretary of the County Assessor under the direction of the Board of Appeals, Interim Board of Review or Board of Review, as the case may be, to make out and forward to the Department a full and complete statement of all the facts in the case in the appropriate section of or in an attachment to an Form No. PTAX-300, PTAX-300-R (railroads) or PTAX-300-RS (Federal or State agency). ~~PTAX-300-R-3007-exempt-that-report-of-nonhomestead-exemption approvals-shall-be-made-on-Form-No.-PTAX-300-R-3007.~~

e) Documents to accompany statement forwarded to Department
Every such statement to the Department shall be accompanied by a copy of the ~~complaint~~ exemption application filed with the Board of Review, Interim Board of Review or Board of Appeals, copies of the documents or other items the applicant is required to file with the exemption application, copies of any written intervention in the procedure before the Board of Review, Interim Board of Review or Board of Appeals, names and addresses of any such intervenors and the determination (recommendation) of the Board of Review, Interim Board

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

of Review or Board of Appeals. In counties with 3,000,000 or more inhabitants the statement shall also include a copy of the complaint for exemption if one was filed and a copy of the document evidencing ownership of the property in question by the applicant for exemption.

1) Additional supporting documents, such as, but not limited to, affidavits and copies of articles of incorporation, charters, 501(c)(2) or 501(c)(3) exemption by the Internal Revenue Service, plat of the property, tax map, floor plan labeled as to actual use of all areas of a building or financial reports, shall be supplied where necessary for determination of exemption or requested by the Department.

2) Every such statement to the Department shall contain the signature of the Clerk of the Board of Review or, in counties with 3,000,000 or more inhabitants, the signature of the Secretary. Signatures of the members of the Board of Appeals, the Interim Board of Review or the Board of Review as the case may be and the date of the Board's action.

f) In counties with 3,000,000 or more inhabitants, statements made out and forwarded to the Department by the Secretary of the County Assessor under the direction of a Board of Appeals, Interim Board of Review or Board of Review shall be made in triplicate, the original being forwarded to the Department, one copy being forwarded to and two copies retained by the County Assessor, and one copy being retained by one which shall be used for the files of the Board of Appeals, Interim Board of Review or Board of Review.

g) In counties with less than 3,000,000 inhabitants, statements made out and forwarded to the Department by the Clerk of a Board of Review shall be made in duplicate, the original being forwarded to the Department and the copy retained by the Board of Review.

h) Department decision

1) If approved by the Department or a court of appropriate jurisdiction, a parcel receiving a non-homestead exemption shall not be removed from the property rolls, but shall instead be retained on the assessment listing. Approved parcels shall be coded exempt or in some other way identified as being a non-homestead exemption. All coding or identification shall be made in such fashion that the general public may readily discern the exempt status of the property. An exemption approval certificate for a parcel shall be issued to the applicant. An exemption approval certificate will be issued to the applicant, to any intervenors, to the Clerk of the Board of Review, Interim Board of Review or Board of Appeals, as the case

2) Upon making a determination with respect to an application for a property tax exemption pursuant to Section 16-70 or 16-130 of the Property Tax Code [35 ILCS 200/16-70 and 16-130], copies of the revenue act of 1939, copies of the Department's decision approval certificate will be mailed to the applicant, to any intervenors, to the Clerk of the Board of Review, Interim Board of Review or Board of Appeals, as the case

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

may be, to the County Assessor in counties that have a County Assessor, to the County Collector in counties with 3,000,000 or more inhabitants, and to the County Clerk in counties with fewer than 3,000,000 inhabitants.

3) Intervenor shall be either an entity with an interest in the property or a taxing district within whose territory the property lies in whole or in part. Intervenor shall have intervened in writing in the consideration of the application at the Board of Review, Interim Board of Review or Board of Appeals level prior to such Board's determination (recommendation) or at the Department level prior to the Department's decision.

4) The Department's decision shall allow the exemption (on Form No. PTAX-301-C), allow a partial exemption (also on Form No. PTAX-301-C) or deny the exemption (on Form No. PTAX-301 or Form No. PTAX-301-B). A partial exemption shall allow the exemption for a portion of the subject property for the entire year, allow the exemption for the entire subject property for a portion of the year, or allow the exemption for a portion of the subject property for a portion of the year.

i) Department hearings and administrative review

1) An applicant for exemption who feels aggrieved by a Department decision denying an exemption or allowing only a partial exemption shall not file another exemption application on the property for the same tax year but shall request a hearing pursuant to subsection (i)(2) below. If a Board of Review, Interim Board of Review or Board of Appeals forwards an exemption application filed by the same applicant on the same property for which the Department has already rendered a decision for that tax year, the Department shall return the application to that Board.

2) Pursuant to Section 8-35 of the Property Tax Code [35 ILCS 200/8-35] and 86 Ill. Adm. Code 110.145, a written application for a hearing before the Department on the Department's decision with respect to an exemption shall be filed within 20 days after the Department's notice of decision is mailed.

3) Pursuant to Section 9-40 of the Property Tax Code [35 ILCS 200/9-40] and the Administrative Review Law [735 ILCS 5/Art. III], a final Department decision following a Department hearing shall be subject to administrative review.

j) When non-homestead exemption records are destroyed by the county pursuant to the "Local Records Act" [50 ILCS 205] (Ill. Rev. Stat. 1983, ch. 116, par. 4-11, et seq.), the original copies of the Department's decision, Exemption Approval Certificates, PTAX-301-B, PTAX-301-C and 301 shall be retained for each parcel remaining exempt. In lieu of Exemption Approval Certificates destroyed prior to the effective date of these provisions, and in response to the Department's exemption field audits, the Clerk of the Board of Review may provide copies of the disposal records together with a signed affidavit attesting to the specific exemption approvals

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

destroyed, by property and year of exemption. Such disposal record and affidavit shall serve in place of the Approval Certificate for purposes of the Department's authority granted pursuant to Section 15-25 of the Property Tax Code [35 ILCS 200/15-25] ~~131a-02-the Revenue Act of 1999~~.

k) Annual certificate of status of exemptions Pursuant to Section 15-10 of the Property Tax Code [35 ILCS 200/15-10], an owner of property or owner of a beneficial interest in property that has been determined by the Department or a court to be exempt shall file annually by January 31 with the Chief County Assessment Officer an affidavit stating whether there has been any change in the use, ownership or leasehold of the property or status of such owner or lessee. The affidavit shall state the nature of such change. Property owned by the United States that has been determined by the Department or a court to be exempt shall not require an affidavit pursuant to this subsection (k).

l) Obligation to file copies of leases or agreements Except as modified in Section 15-55 (State-owned property) of the Property Tax Code [35 ILCS 200/15-55], the owner of property that has been determined to be exempt or the owner of the beneficial interest in property that has been determined to be exempt shall file with the Chief County Assessment Officer a copy of any lease, loan or agreement that makes the property available for profit along with a complete description of the premises as required in Section 15-15 of the Property Tax Code [35 ILCS 200/15-15].

m) Notification after change in use, leasehold estate or ownership Pursuant to Section 3-195 of the Property Tax Code [35 ILCS 200/3-195], if any property listed as exempt has a change in use or a change in leasehold estate the titleholder of record shall notify the Chief County Assessment Officer of the change within 30 days. Also pursuant to Section 3-195, if there has been a purchase, grant, taking or transfer of any property listed as exempt, the transferee shall notify the Chief County Assessment Officer within 30 days. The notice from the titleholder or transferee shall be in writing, shall include the by certified mail, return receipt requested, and shall include the information required in Section 15-20 of the Property Tax Code [35 ILCS 200/15-20].

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 110.120 Oil Right Lessees and Producers

a) Every lessee corporation, individual or unincorporated business which leases oil or natural gas rights or which operates oil-producing or natural gas-producing properties in Illinois shall make return of the real property connected with such lease or the property it operates on Form No. ~~PTAX-36 P-9-A-B-196~~.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

b) Form No. ~~PTAX-186 P-9-A-B-196~~ shall be filed annually with the Chief County Assessment Officer ~~Supervisor of Assessments~~ between the 1st day of April and the 1st day of June.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 110.125 Reports to be Filed with the Department

a) County Clerks shall transmit annually to the Department the following statements within 30 days after the date when the collector's books are completed:

1) Summary abstracts of valuations, levies, rates and extensions of taxes in their respective counties ~~including amounts due to the State on account of the redemption and sale of forfeited property on Form No. PTAX-250 P-9-A-B-196~~.

2) Abstracts of valuation, levies, rates and extensions of taxes for tax districts in their respective counties on Form Nos. ~~PTAX-251, PTAX-252, PTAX-253 and PTAX-254 P-9-A-B-251-254~~ and ~~254~~.

3) ~~Abstracts of local assessments of non-carrier real estate owned by a railroad company on Form No. P-9-A-B-539~~.

4) Abstract of aggregate tax increment equalized assessed valuation (current EAV less the initial EAV of the area), rates, rate extensions, initial equalized assessed valuation, tax increment financing extension that is based on parcel by parcel distribution extension and names of taxing districts in Tax Increment Allocation Financing Redevelopment Project Area, on Form No. ~~PTAX-251-TIF P-9-A-B-251-TIF~~. ~~This form is also used to report taxing districts involved and amount of abatement granted for industrial abatements.~~

5) Abstracts of abatements, number and types of parcels and taxing districts for general abatements of taxes on Form No. ~~PTAX-255-TA~~.

6) Abstracts of valuations removed from rate calculation, rates, amounts of taxes abated, number and types of parcels and taxing districts for enterprise zones on Form No. ~~PTAX-255-EZA~~.

7) Summary of equalized assessed valuations of new property, rate adjustment factors, rates and dollar loss for taxing districts subject to the Property Tax Extension Limitation Law [35 ILCS 200/Div. 5] on Form No. ~~PTAX-255-CAP~~.

8) Report of the names of new taxing districts in the county, the name of the home county for each new taxing district and the names of any overlapping counties for each new district on Form No. ~~PTAX-256~~.

b) County clerks shall also transmit to the Department the following statements:

1) Abstracts of property assessments in their respective counties

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

within 30 days after receipt of assessment books from a Board of Review, Interim Board of Review or Board of Appeals on Form No. PTAX-260-A P-7-A-B-260a.

2) The creation of new and the dissolution of old taxing districts and all changes in boundaries of existing districts shall be reported within 30 days after promptly upon approval of any such creation, dissolution or change becoming effective on Form No. PTAX-270 P-7-A-B-270.

3) Report of original equalized assessed valuations and equalized assessed valuation changes for school districts due to Property Tax Appeal Board decisions on Form No. PTAX-610 by April 30.

4) Report of any alterations to the taxing districts that make up each aggregate rate within the county as identified on the aggregate listing on the Department's PTA 205-10 report.

5) In counties with 3,000,000 or more inhabitants, an annual list of the additional equalized assessed valuation loss to schools due to the increase in the amount of the Senior Citizens Homestead Exemption and the General Homestead Exemption as required by ILCS 5/18-8 by April 1.

6) Within 30 days after receipt of a request by the Department, certification of the portion of prior year equalized assessed values of overlapping taxing districts in each township on Form No. PTAX-292.

c) Boards of Review in counties of fewer than 3,000,000 inhabitants shall transmit annually to the Department reports of equalization of the various assessment districts and reclassification of property in their respective counties within 10 days after adjournment on Form Nos. PTAX-204 and 204-R No-7-A-B-204.

d) County Treasurers shall annually, during the month of December, transmit annually to the Department abstracts of taxes collected, protested, delinquent and the net collections available for distribution in their respective counties on Form No. PTAX-255 P-7-A-B-255.

e) Chief County Assessment Officers Supervisors of Assessments of Assessments and County Assessors shall transmit annually to the Department:

1) Abstracts of local assessments of non-carrier real estate owned by a railroad company on Form No. PTAX-538.

2) Abstracts of property assessments and reclassification of property prior to action by a Board of Review, Interim Board of Review or Board of Appeals within 30 days after returning the county assessment books for the entire county to the Board of Review, Interim Board of Review or Board of Appeals on Form Nos. PTAX-280-A and 280-R No-7-A-B-280a.

3) In counties of fewer than 3,000,000 inhabitants, Supervisors of Assessments shall transmit annually to the Department reports of equalization of assessments, within 10 days after he or she presents the verified assessment books to the Board of Review, on

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Form No. PTAX-204-S/A P-7-A-B-204S/A.
4) Reports Supervisors of Assessments or the County Assessors as the case may be shall transmit annually to the Department reports of non-farm parcels which have a final assessed value for the year exceeding \$999,999 on Form No. PTAX-282 P-7-A-B-282.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 110.130 Hearings and Records of Chief County Assessment Officers County Assessor Supervisor of Assessments or Board of Assessors

In all counties in this State:

a) Hearings

All hearings held by the Chief County Assessment Officer County Assessor Supervisor of Assessments or Board of Assessors in support of or in opposition to a proposed revision or correction in assessed valuation shall be open to the public. All files maintained by the Chief County Assessment Officer Assessor Supervisor of Assessments or Board of Assessors and relating to the assessed valuation of any property and all complaints, supporting documents, and other evidence submitted by the property owner in support of a proposed revision and correction of valuation shall be available for inspection by the public at the times and subject to the restrictions provided in Section 11-30 of the Property Tax Code [35 ILCS 100/11-30] 90-11 of the Revenue Act of 1999 (11-11 Rev. Stat. 1991 ch. 129, sec. 579-11).

b) Records

1) Except where certain duties may be granted to the Recorder under Section 5-1108 of the Counties Code [55 ILCS 5/5-1108], the Chief County Assessment Officer in counties with fewer than 3,000,000 inhabitants the County Assessor Supervisor of Assessments or the Board of Assessors as the case may be shall prepare and maintain tax maps, lists of property owners' names and addresses and property record cards for all of the real estate within their jurisdiction in the form prescribed by the Department in the Illinois Real Property Appraisal Manual, provided that a Chief County Assessment Officer Supervisor of Assessments or Board of Assessors shall not duplicate the work of any full-time township Assessor or Multi-township Assessor, but may maintain duplicate copies of such records. Property record cards may be established and maintained on electronic equipment or microfiche, but if so maintained they shall be reasonable facsimiles of forms prescribed or approved by the Department. Upon request and payment of a reasonable fee established by the custodian, a copy or printout of a property record card shall be provided to any person Supervisor of Assessments and Boards of Assessors shall maintain lists of property owners.

2) The local assessment officers shall cause buildings and other

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

improvements on each lot or parcel of land to be measured and described to a reasonable extent and classified as to use and construction, and such measurements, computations (sometimes referred to as the "computation ladder"), description and classification shall be entered upon the property permanent record card of each such lot or parcel of land in the manner prescribed by the Department in the Illinois Real Property Appraisal Manual.

- 3) The local assessment officers shall enter upon the property permanent record card of each town or city lot or parcel of land the elements (or basis) of valuation and computations which shall be recorded in the manner prescribed by the Department in the Illinois Real Property Appraisal Manual and which are taken into consideration by the local assessment officers in ascertaining and determining the fair cash value of each town or city lot or parcel of land and of each improvement thereon, including the elements (shown by percentages or otherwise) which were taken into consideration as enhancing or detracting elements (such as depth, corner, alley, railway or other elements).
- 4) Property tax maps, lists of property owners and property record cards previously prepared and maintained on the basis of standards and procedures substantially similar to those outlined in the Illinois Real Property Appraisal Manual may be retained and maintained.

- 5) Property record systems, including tax maps, lists of property owners and property record cards, including appraisals, prepared and established by individuals, firms or corporations under contract with counties in accordance with Section 5-1068 of the Counties Code [55 ILCS 5/5-1068] 25-166 of "An Act to revise the law relating to certain issues of the State of Illinois" [45th] shall be prepared in accordance with Section 110.130(b) of this Part. Such systems and records shall provide information useful to assessment officials, but shall not be considered assessments nor limit the powers and duties of assessing officials.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 110.135 Review of Assessments - Counties of 3,000,000 to \$999,999 or More

- a) In counties having 3,000,000 or more population or more inhabitants, upon the completion of the valuations and assessments of all parcels of land and improvements thereon, in each town or taxing district, and before the revision thereof, such valuations and assessments shall be tabulated and abstracted by sections, divisions, subdivisions and such other convenient units of

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

area as may be practicable in each town or taxing district. Such abstract shall include the following information concerning each individual parcel of land and the improvements thereon:

- 1) Volume, page and line of assessment book;
- 2) Property index number;
- 3) address of property;
- 4) dimensions of lot or land;
- 5) legal description appearing in assessment books;
- 6) valuation of land;
- 7) valuation of improvements;
- 8) total valuation of land and improvements;
- 9) assessment of land;
- 10) assessment of improvements.

- b) When such abstract for each town or taxing district is completed, such abstract shall remain in the office of the County Assessor, and any changes in valuations or assessments upon review or revision by the County Assessor shall be entered in such abstract before entry in the assessment books.
- c) All hearings in the review or revision of the assessment of real estate by the County Assessor, Board of Review, Interim Board of Review, or the Board of Appeals shall be held in open, public meetings of the respective officers.

- d) The correction or revision of individual assessments by the County Assessor may be made on his own initiative or upon complaint in writing by any taxpayer. The review thereof by the Board of Appeals shall be made only on the written complaint of owners or other taxpayers or their duly authorized agents, which complaints shall state the facts upon which they are based and shall be under oath. The Board of Review or Interim Board of Review shall, upon written complaint or request by a taxpayer or affected taxing district and upon good cause shown, revise, correct, alter or modify any assessment of real property. The Board of Review or Interim Board of Review may, upon written motion of one or more members of the Board and upon good cause shown, revise, correct, alter or modify any assessment of real property regardless of whether the taxpayer or owner has filed a complaint or request with the Board. Before increasing an assessment the Board of Review or Interim Board of Review shall give notice and the opportunity to be heard to the affected person. Before reducing an assessment on its own motion, the Board of Review or Interim Board of Review shall give notice to the Assessor or Chief County Assessment Officer who certified the assessment and give that Assessor or Chief County Assessment Officer the opportunity to be heard. The Board of Review or Interim Board of Review shall give all taxing districts an opportunity to be heard on the matter.

- e) All complaints shall be filed on the proper form prescribed by the Department, which form shall be provided to the complainants by the County Assessor, Board of Review, Interim Board of Review, or Board of Appeals. Reasonable when hearings on such complaints are held at

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

~~times-of-which-the-complainants-or-owners-have-no-notice-of-hearings on such complaints~~ ~~reasonable-notice~~ shall be given to the complainants or owners in writing at the address so given, or otherwise as provided by law.

- f) Every decision by the County Assessor, Board of Review, Interim Board of Review, or Board of Appeals making a change in any assessment shall be publicly announced. The reason therefor shall be stated briefly, and minutes of the decision and reasons shall be entered or caused to be entered in a record of the proceedings, which record shall be permanently preserved and be open to public inspection, and a notation of each change, together with the complaint number on which it is based, shall be made in the assessment books in ink of a color different from that already appearing therein. Written notice of the action by the Board of Review or Interim Board of Review shall be mailed to a taxpayer whose assessment has been increased or decreased or to a taxpayer who has filed a complaint in writing with the Board of Review or Interim Board of Review and whose assessment was not changed. A copy of the notice shall be given to an Assessor or Chief County Assessment Officer whose assessment was reversed or modified by the Board of Review or Interim Board of Review.

The written notice shall set forth the assessed valuation prior to action by the Board of Review or Interim Board of Review and after final action by the Board. The notice shall state that the assessed value as certified to the County Clerk will become the locally assessed value for that year and succeeding years unless revised. The notice shall specify the facts upon which the Board's decision is based. For actions by the Board of Review or Interim Board of Review with regard to residential property with 6 units or less beginning with assessments made for the 1996 assessment year and with regard to all other property beginning with assessments made for the 1997 assessment year, the notice shall include the following language: "You may appeal this decision to the Property Tax Appeal Board by filing a petition for review with the Property Tax Appeal Board within 30 days after this notice is mailed to you or your agent, or is personally served upon you or your agent."

- g) In case any valuation of real property is changed, the decision or the reason therefor shall show the elements of value as defined on the property permanent record card which Section 110.130 of this Part requires to be kept and which was at fault, and definite corrections shall be made on such card in such manner as to preserve the exact form of the information contained on such card. A notation shall also be made on each such card showing the complaint number on which any changes made thereon are based, and if any such changes are made on motion of the County Assessor, Board of Review, Interim Board of Review, or the Board of Appeals, such fact shall also be recorded on such card. All such changes in assessed valuations shall be so entered on the property permanent record card, or a photostatic copy thereof, as to show the changes, without erasure or obscuration of the

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

existing words or figures on the card and, where necessary, such changes may be made on a separate card permanently attached to the property permanent record card.

- h) The record cards provided for in Section 110.130 of this Part shall be filed by sections, blocks and parcels and shall be kept and maintained as permanent records by the County Assessor. Such record card shall be maintained in corrected form; and when corrections are made in any record card, the same shall be preserved in the office of the County Assessor as other originals are preserved.
- i) In case any property is found not to be taxable according to the procedures set forth in Section 110.115 of this Part, the decision, or the reason therefor, shall be made to appear and the correction entered upon the property permanent record card. No change shall be made in any assessment until the basis for the same first shall be entered on the property permanent record card.
- j) A copy of the land index maps, required by Section 110.130 of this Part shall be made available in the office of the County Assessor for public inspection at all reasonable times after the real estate assessment list is certified to the County Clerk.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 110.140 Board of Review Procedures and Records - Counties of Less than 3,000,000 +999,999

- a) In all counties of the State having a population of less than 3,000,000 +999,999: Boards of Review shall accept complaints on real estate assessments, draw certificates of error, notify parties of hearings to be held, record their proceedings and docket all cases on forms prescribed by the Department.

1) All Boards of Review shall provide complainants with, and shall require that objections on real estate assessments be filed on Form No. RTAX-230 P-7-A-B-239.

2) All complaints shall be made in duplicate triplicate. One of the copies shall be retained by the complainant and the original and one copy shall be filed with the Board of Review. The Board shall retain the original and shall forward the remaining copy to the Assessor or Chief County Assessment Officer who certified the assessment. Supervisor of Assessments or Board of Assessors may be the case may be.

3) In all cases where a change of assessed valuation of \$100,000 or more is sought, the Board of Review shall also serve a copy of the petition on all taxing districts as shown on the last available tax bill at least 14 days prior to the hearing on the complaint.

- b) When errors (other than errors of judgment as to the value of any real property) in assessment of any property are discovered or brought to

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

the attention of any Board of Review at any time before judgment, it shall issue a certificate of error on Form No. PRAX-238 P-9-A-B-438 to the person or corporation erroneously assessed, which certificate shall set forth the nature of the error and the cause or causes which operated to produce such error or mistake. After the certificate has been endorsed by a majority of the Board of Review and the Chief County Assessment Officer, the certificate may be used as evidence in any court of competent jurisdiction. The issuance of a certificate of error shall not reduce a tax except as ordered by a court.

c) After a Board of Review has issued a certificate of error and it has been endorsed properly by the Chief County Assessment Officer Board of Assessors or Supervisor of Assessments-as-the-case-may-be, two copies of the certificate of error shall be made, one copy given to the County Clerk and one copy given to the County Collector.

d) The notice of hearing to all taxpayers who have filed complaints on real estate shall be prepared on Form No. PRAX-229-A P-9-A-B-229A and sent to proper parties within a reasonable time before the hearing date.

1) All hearing notices shall be made in triplicate. The original shall be sent to the complainant. One of the two copies retained by the Board of Review shall be forwarded to the Chief County Assessment Officer Supervisor of Assessments-or-Board of Assessors-as-the-case-may-be.

2) If the owner is not the complainant, an additional copy of the notice shall be prepared and sent to such owner.

e) When a Board of Review contemplates revising an assessment on its own motion, notice shall be sent to the owner of the property concerned or his agent on Form No. PRAX-229 P-9-A-B-229.

1) All such notices shall be made in triplicate. The original copy shall be sent to the taxpayer. Two copies shall be retained by the Board, one of which copies shall be forwarded to the Chief County Assessment Officer Supervisor of Assessments-or-Board of Assessors-as-the-case-may-be.

2) Each Board of Review shall increase or reduce the entire assessment of farm dwellings and sites and nonfarm real property, or of any class included therein if, in its opinion, the assessment has not been made upon the proper basis, and may equalize the assessment of farm dwellings and sites and nonfarm real property, by increasing or reducing the amount thereof, in any township, or part thereof, or any portion of the county as may, in its opinion, be just. Each Board of Review shall increase or reduce the entire assessment of farmland, or farm buildings, or both, in each township if in its opinion, the assessment has not been made on the proper basis. The assessment of any class of property or of any township or part thereof, or any portion of the county, shall not be increased until the Board shall have published a notice in a newspaper of general circulation published in the county, of such proposed increase

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

and shall have given the owners of the property affected, or anyone representing them, or other citizens of said territory, an opportunity to be heard within 20 days after the date of such publication. The Chief County Assessment Officer Board of Assessors or Supervisor of Assessments and the Township Assessor or Multi-township Assessor shall have like opportunity to be heard thereon.

f) Boards of Review shall keep a record of their proceedings in a minute book patterned after Form No. PRAX-243 P-9-A-B-243. The date and time of meeting, members present, nature of the business transacted, date adjourned to and the signature of the clerk should be entered for each session in this book.

g) Each Board of Review shall supplement the record of proceedings by keeping a separate docket of cases on Form No. PRAX-244 P-9-A-B-244. The docket shall indicate the type or types and class or classes of property, the assessment by the assessor, the final assessment fixed by the Board of Review and the increase or decrease in assessment from the assessor's assessment.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 110.145 Practice and Procedure for Hearings on Property Tax Matters Before the Illinois Department of Revenue

a) All complaints, petitions or answers in any proceeding before the Department and every motion or application in relation thereto and all letters and telegrams shall be addressed to the Department at its office in Springfield.

b) All applications for review of assessments made by the Department shall be in writing, and may contain a brief of the points and authorities relied upon, and shall be signed by the petitioner or applicant in person or by counsel. All subsequent communications, briefs and written arguments shall be likewise signed. Application for review and correction of any assessment shall be filed with the Department within 10 days from the date of publication of the assessment in the State "official newspaper". When application for review is made, the assessment decision complained of shall be further considered by the Department and notice shall be given of its decision by certified mail.

c) An application for a hearing shall be filed by any party who feels aggrieved by a decision of the Department where review of an assessment has been made upon application or where an exemption decision has been made, and notice has been given of the Department's decision. Such application for hearing shall be in writing and shall be filed with the Department within 20 days after said decision has been rendered and notice thereof mailed. Petitions for hearing shall state concisely the mistakes alleged to have been made or the new

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- evidence to be presented.
- d) The Department shall provide a reporter to make a transcript of the proceedings of the hearing, which transcript shall belong to the Department and become a part of its official record. ~~Any objector may obtain a transcript of the record made at such hearing may be obtained upon payment of the charge set forth in Section 110.150 of this Part.~~
- e) All hearings before the Department will be held at the time and place designated by the Department. All such hearings shall be public.
- f) Only one copy of exhibits filed before the Department is required for exemption matters, but in other matters the Department shall require three copies ~~unless otherwise specified by the Department, but in no event shall more than 3 copies be required.~~
- g) Hearings by the Department on tentative equalization factors under Section 17-20 of the Property Tax Code (35 ILCS 200/17-20) and on apportionment of taxes for taxing districts that lie in two or more counties under Section 18-155a (35 ILCS 200/18-155a) shall be conducted pursuant to Sections 17-20 and 18-155a, respectively, and are excluded from Section 110.145 and 96 Ill. Adm. Code 200.145 and 200.145, 200.155, 200.160(b), (c), (d), (e), (f), (g) and (h) only, 200.162, 200.165, and 200.170, 200.185, 200.190, 200.195, 200.200, 200.210, 200.215, 200.220 and 200.225.
- h) The following Sections of the Department rules relating to practice and procedure for hearings shall apply to proceedings conducted under this Part: 200.101, 200.105, 200.107, 200.110, 200.115, 200.120(a) and (c) only, 200.125, 200.130, 200.140(b), (c), (d) and (e) only, 200.145, 200.150, 200.155, 200.160(b), (c), (d), (e), (f), (g) and (h) only, 200.162, 200.165, and 200.170, 200.185, 200.190, 200.195, 200.200, 200.210, 200.215, 200.220 and 200.225.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 110.150 Records Reproduction

Any person who requests the reproduction of any public record from the Department shall secure the copy or copies requested at the following estimated cost of reproduction:

- a) Each public record will be reproduced only with the Department's equipment for a fee of \$1.00 for the first page and \$0.50 95-cents per additional page when the pages do ~~page-does~~ not exceed legal size. The same price will be charged for copies that are mailed, faxed or picked up.
- c) Printed or frequently duplicated documents may be available from the Department for a unit fee that may be less than the rate per page in subsection (a) above.
- d) Each public record will be reproduced only with the Department's

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

equipment for the estimated cost to the Department ~~a-fee-of-\$1.00--per-~~ page when the page exceeds legal size.
 e) Each public record which requires reproduction on equipment other than the Department's will be reproduced for the actual cost to the Department.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 110.155 Appointment or Election of Board of Review Members After Examination

- a) Examinations
- 1) Examinations in counties that appoint Board of Review members: Examinations administered by the Department to determine whether persons are eligible to serve on the Board of Review are required in counties under township organization that appoint members to the Board of Review and either have 100,000 or more and fewer than 3,000,000 inhabitants or have imposed an examination requirement by resolution. If the presiding officer of the County Board does not intend to either reappoint a member of the Board of Review or appoint a person from the Department's list of those currently eligible for appointment in that county, the presiding officer shall request that the Department give a qualifying examination. The request for the examination shall be made at least 21 days before the date for appointment.
- 2) Examinations in counties that elect Board of Review members: Examinations administered by the Department to determine whether a person is eligible to be elected to the Board of Review are required in counties that have imposed an examination requirement by resolution. If an individual not currently on the Department's eligibility list files nomination papers to run for election to the Board of Review, the County Clerk shall request that the Department give a qualifying examination. The examination shall be requested within 5 days after the deadline for filing nomination papers for election, and the Department shall give the examination within 21 days after such request. The request for the examination may be made by the presiding officer of the County Board, and if the presiding officer has made such a request, the County Clerk need not do so. The presiding officer of the County Board or the County Clerk who requests the examination be given shall publish a notice in a local newspaper of general circulation in the county at least seven days before the examination is given. The notice shall include the date, time, place and purpose of the examination, shall indicate that study materials are available and that the examination and facilities are accessible to handicapped individuals and shall indicate that interested parties shall fill

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

County	Townships in District
Christian	<ol style="list-style-type: none"> 1. Mt. Auburn, Mosquito 2. Stonington, Prairieeton 3. King, Bear Creek, Johnson 4. Greenwood, Rosamond, Locust
Clark	<ol style="list-style-type: none"> 1. Westfield, Parker 2. Dolson, Auburn, Douglas, Anderson, Darwin 3. Johnson, Orange, Melrose, York
Clay	<ol style="list-style-type: none"> 1. Larkinsburg, Oskaloosa, Blair 2. Bible Grove, Hoosier, Pixley 3. Stanford, Clay City 4. Songer, Xenia
Clinton	<ol style="list-style-type: none"> 1. St. Rose, Wheatfield 2. Irishtown, Carlyle 3. Santa Fe, Lake 4. Clement, Meridian, East Fork
Coles	<ol style="list-style-type: none"> 1. Seven Hickory, Charleston 2. Morgan, East Oakland 3. Ashmore, Hutton 4. North Okaw, Humboldt
Crawford	<ol style="list-style-type: none"> 1. Licking, Prairie 2. Lamotte, Montgomery 3. Martin, Honey Creek, Southwest
Cumberland	<ol style="list-style-type: none"> 1. Cottonwood, Union, Crooked Creek 2. Spring Point, Woodbury
DeKalb	<ol style="list-style-type: none"> 1. South Grove, Mayfield 2. Malta, Milan 3. Afton, Pierce 4. Shabbona, Paw Paw 5. Victor, Somchauk
Dewitt	<ol style="list-style-type: none"> 1. Waynesville, Barnett 2. Wilson, Rutledge, Harp, Dewitt

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

County	Townships in District
Douglas	<ol style="list-style-type: none"> 3. Tunbridge, Texas 4. Nixon, Creek 1. Murdock, Newman 2. Bowdre, Sargent
Edgar	<ol style="list-style-type: none"> 1. Brouillette, Brouillette Creek, Edgar, Prairie 2. Buck, Embarrass, Grandview 3. Elbridge, Hunter, Stratton 4. Shiloh, Young America
Effingham	<ol style="list-style-type: none"> 1. Banner, Liberty, Moccasin 2. Jackson, Mason 3. Mound, West 4. Watson, Union 5. Bishop, Lucas
Fayette	<ol style="list-style-type: none"> 1. North Hurricane, South Hurricane, Shafter, Bear Grove 2. Seminary, Pope, Kaskaskia 3. Wilberton, Lone Grove, LaClade 4. Sefton Shafter, Otego, Wheatland 5. Loudon, Carson, Bowling Green
Ford	<ol style="list-style-type: none"> 1. Drummer, Dix 2. Patton, Button 3. Sullivant, Peach Orchard, Lyman, Wall 4. Brenton, Pella, Mona, Rogers
Franklin	<ol style="list-style-type: none"> 1. Goode, Barren 2. Ewing, Northern 3. Eastern, Cave
Fulton	<ol style="list-style-type: none"> 1. Ellisville, Young Hickory, Deersfield, Lee 2. Fairview, Joshua 3. Harris, Cass, Bernadotte, Farmers 4. Pleasant, Isabel, Woodland, Keeton, Waterford 5. Banner, Liverpool
Gallatin	<ol style="list-style-type: none"> 1. New Haven, Shawnee 2. Omaha, Asbury, North Fork 3. Equality, Bowlesville, Eagle Creek

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS'

County

Townships in District

1. Patterson, Roodhouse
2. Athensville, Rubicon, Wrights
3. Walkerville, Bluffdale, Woodville
4. Linder, Rockbridge

Greene

1. Norman, Maunpousee
2. Highland, Vienna, Mason
3. Goodfarm, Garfield, Greenfield
4. Maine, Bracerville
5. Nettle Creek, Erlenna

Hamilton

1. Danlgren, Knights Prairie
2. Flannigan, South Flannigan, Twigg, South Twigg, Mayberry
3. Crouch, South Crouch, Beaver Creek, Crook

Hancock

1. Nauvoo, Appanocsee, Sonora
2. Pontosuc, Dallas City, Rock Creek
3. Praetier, Carthage
4. Warsaw, Wilcox, Pocky Run
5. Durham, Pilot Grove, Fountain Green, Hancock
6. Wytne, Walker, St. Albans
7. Chili, Augusta
8. Bear Creek, Harmony, St. Mary

Henderson

1. Biggsville, Azeterra, Bald Bluff
2. Media, Raritan, Terre Haute
3. Stronghurst, Carman

Henry

1. Efford, Osco
2. Lynn, Andover
3. Munson, Cornwall, Burns
4. Loraine, Yorktown, Alba
5. Welles, Bala

Irvington

1. Ridgeland, Onarga, Artesia
2. Pigeon Grove, Fountain Creek
3. Walcott, St. Charles, Liberty, Prairie Green
4. Crassey, Ash Grove
5. Mills Grove, Ashkum
6. Beaver, Concord
7. Papineau, Beaverville
8. Danforth, Iroquois

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

County

Townships in District

1. Ora, Vergennes
2. Degonia, Kinkaid, Fountain Bluff, Levan
3. Sand Ridge, Grand Tower, Pomona

Jasper

1. Crooked Creek, Grandville, Hunt City
2. Smallwood, Fox, Sainte Marie, Willow Hill
3. Grove, North Muddy, South Muddy

Jefferson

1. Grand Prairie, Casner
2. Blissville, Bald Hill, Elk Prairie
3. Field, Farrington
4. Pendleton, Moores Prairie

Jersey

1. Ruyle, Jersey, Fidelity
2. Richwood, English
3. Rosedale, Otter Creek

Jo Daviess

1. Apple River, Thompson
2. Bereman, Derinda, Pleasant Valley, Wards Grove
3. Council Hill, Guilford, Scales Mound
4. Elizabeth, Woodbine
5. Hancock, Rice
6. Menominee, Rawlins, Vinegar Hill
7. Nora, Rush, Warren

Kankakee

1. Rockville, Manteno
2. Sumner, Yellowhead
3. Essex, Salina

Kendall

1. Lisbon, Seward, Na-au-say

Knox

1. Rio, Henderson
2. Walnut Grove, Lynn, Copley, Victoria
3. Persifer, Turo
4. Knox, Galesburg, Cedar, Indian Point
5. Orange, Haw Creek
6. Chestnut, Maquon, Salem, Elba

LaSalle

1. Meriden, Conit, Troy Grove
2. Freedom, Serena
3. Mission, Miller
4. Dimmick, William, Wallace
5. Utica, Deer Park

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

County	Townships in District
Lawrence	<ol style="list-style-type: none"> 6. Fall River, Grand Rapids 7. Vermillion, Farm Ridge 8. Hope, Richland 9. Brookfield, Allen 10. Osage, Groveland
Lee	<ol style="list-style-type: none"> 1. Allison, Denison 2. Christy, Lukin 3. Petty, Bond, Russell 1. Nachusa, China 2. Nelson, Harmon 3. South Dixon, Marion, East Grove, Hamilton 4. Reynolds, Alto, Viola, Willow Creek 5. Brooklyn, Wyoming 6. Ashton, Bradford 7. Amboy, Lee Center 8. May, Sublette
Livingston	<ol style="list-style-type: none"> 1. Chatsworth, Germanville 2. Reading, Newtown 3. Sunbury, Nevada, Esmen 4. Round Grove, Union, Broughton 5. Long Point, Amity 6. Rooks Creek, Waldo, Pike 7. Owego, Eppards Point, Avoca 8. Saunemin, Sullivan, Pleasant Ridge, Chatotte 9. Indian Grove, Belle Prairie 10. Forrest, Fayette
Logan	<ol style="list-style-type: none"> 1. Prairie Creek, Sheridan 2. Orvil, Eminence 3. Atlanta, Oran 4. Chester, Mount Pulaski 5. Corwin, Broadwell 6. Hurlbut, Elkhart 7. Aetna, Laenna, Lake Fork
McDonough	<ol style="list-style-type: none"> 1. Blandinsville, Hire 2. Sciota, Walnut Grove 3. Bushnell, Prairie City 4. Chalmers, New Salem, Scotland 5. Tennessee Tennessee, Lamoine, Bethel

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

County	Townships in District
McLean	<ol style="list-style-type: none"> 6. Industry, Eldorado 7. Macomb, Mound 1. Allin, Dale 2. Old Town, Downs 3. West, Bellflower, Chereys Grove 4. Yates, Lawndale, Cropsey, Arcado 5. Money Creek, Lexington 6. Blue Mound, Martin 7. Dawson, Arrowsmith 8. White Oak, Dry Grove 9. Mount Hope, Funk's Grove
Macon	<ol style="list-style-type: none"> 1. Austin, Illini 2. Oakley, Whitmore 3. Niantic, Harriestown 4. Blue Mound, Pleasant View 5. Mount Zion, Milam
Macoupin	<ol style="list-style-type: none"> 1. Scottville, Barr, Western Mound, Chesterfield 2. North Palmyra, North Otter 3. South Palmyra, South Otter 4. Nilwood, Shaws Point, Honey Point 5. Bird, Polk, Hillyard, Brushy Mound
Madison	<ol style="list-style-type: none"> 1. New Douglas, Leef
Marion	<ol style="list-style-type: none"> 1. Patoka, Carrigan 2. Foster, Pentt 3. Kimmund, Meacham 4. Alma, Omega 5. Stevenson, Haines 6. Iuka, Racine
Marshall	<ol style="list-style-type: none"> 1. Saratoga, Whitefield, La Prairie 2. Hopewell, Roberts, Bell Plain, Richland
Mason	<ol style="list-style-type: none"> 1. Forest City, Quiver 2. Allens Grove, Pennsylvania, Salt Creek 3. Crane Creek, Kilbourne, Sherman 4. Bath, Lynchburg
Mercer	<ol style="list-style-type: none"> 1. Eliza, Duncan, Perryton

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

County	Townships in District
Montgomery	<ol style="list-style-type: none"> 2. Keitsburg, Abington, Ohio Grove 3. Suez, North Henderson 4. New Boston, Millersburg 1. Harvel, Pitman, Zanesville 2. Butler Grove, Irving, Rountree 3. Audubon, Nokomis 4. Witt, Fillmore, South Fillmore 5. Grissam, Maishville
Moultrie	<ol style="list-style-type: none"> 1. Dora, Marrowbone 2. Lowe, Jonathan Creek 3. East Nelson, Whitley
Ogle	<ol style="list-style-type: none"> 1. Eagle Point, Buffalo, Woosung 2. Brookville, Forreston 3. Nashua, Geseh 4. Scott, White Rock 5. Maryland, Lincoln 6. Pine Creek, Grand Detour 7. Taylor, Lafayette, Pine Rock 8. Lynnville, Dement 1. Millbrook, Brimfield 2. Princeville, Akron 3. Logan, Trivoli
Peoria	<ol style="list-style-type: none"> 1. Goose Creek, Willow Branch
Pike	<ol style="list-style-type: none"> 1. Fairmount, Perry, Chambersburg 2. Hadley, New Salem, Pleasant Vale, Derry 3. Flint, Detroit, Montezuma 4. Newburg, Hardin 5. Atlas, Martinsburg 6. Pleasant Hill, Ross 7. Spring Creek, Pearl 8. <u>Kinderhook, Lervee, Cincinnati</u>
Putnam	<ol style="list-style-type: none"> 1. Hennepin, Senecawine
Richland	<ol style="list-style-type: none"> 1. Noble, Decker, Denver 2. German, Claremont 3. Madison, Bonpas
Rock Island	<ol style="list-style-type: none"> 1. Buffalo Prairie, Drury

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

County	Townships in District
Saline	<ol style="list-style-type: none"> 2. Canoe Creek, Zuma 3. Cordova, Port Byron 1. Galatia, Long Branch, Tate 2. Brushy, Raleigh 3. Rector, East Eldorado, Cottage 4. Stonefort, Independence, Mountain
Sangamon	<ol style="list-style-type: none"> 1. Buffalo Hart, Mechanicsburg 2. Lanesville, Illinoispolis 3. Maxwell, Loami, Talkington 4. Cooper, Cotton Hill 5. Island Grove, New Berlin
Schuyler	<ol style="list-style-type: none"> 1. Birmingham, Brooklyn, Littleton, Oakland, 2. Huntsville, Camden 3. Brownings, Hickory, Woodstock, Bainbridge, 4. Frederick
Sheboy	<ol style="list-style-type: none"> 1. Moweaqua, Penn 2. Flat Branch, Ridge, Rural, Pickaway 3. Todds Point, Okaw 4. Richland, Ash Grove 5. Oconee, Cold Spring 6. Herrick, Dry Point 7. Lakewood, Holland, Clarksburg 8. Big Spring, Sigel
Stark	<ol style="list-style-type: none"> 1. Elmira, Osceola 2. Goshen, West Jersey 3. Essex, Valley, Penn
Stephenson	<ol style="list-style-type: none"> 1. Winslow, Waddams 2. Erin, Kent 3. Jefferson, Loran 4. Dakota, Rock Grove
Tazewell	<ol style="list-style-type: none"> 1. Sand Prairie, Malone 2. Dillon, Delavan 3. Hopedale, Boynton 4. Hittle, Little Mackinaw
Vermilion	<ol style="list-style-type: none"> 1. Pilot, Middlefork 2. McKendree, Love 3. Jamaica, Vance

DEPARTMENT OF REVENUE

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

County

Townships in District

- | | | | | |
|------------|--|--|--|--|
| Warren | 4. Carroll, Elwood | | | |
| | 1. Sumner, Hale | | | |
| | 2. Kelly, Coldbrook | | | |
| | 3. Lenox, Floyd, Berwick | | | |
| | 4. Greenbush, Swan, Point Pleasant | | | |
| | 5. Tompkins, Ellison | | | |
| Washington | 1. Venedy, Johannsburg, Lively Grove | | | |
| | 2. Covington, Hoyleton | | | |
| | 3. Beaucoup, Ashley, Richview | | | |
| | 4. Plum Hill, Oakdale, Pilot Knob | | | |
| | 5. Bolo, DuBois | | | |
| Wayne | 1. Garden Hill, Orchard, Hickory Hill, Four Mile | | | |
| | 2. Keith, Zif, Mt. Erie, Elm River | | | |
| | 3. Indian Prairie, Berry, Arrington | | | |
| | 4. Massilon, Barnhill, Leech | | | |
| White | 1. Mill Shoals, Burnt Prairie | | | |
| | 2. Herald's Prairie, Emma, Hawthorne | | | |
| Whiteside | 1. Ustick, Clyde | | | |
| | 2. Genesee, Jordan | | | |
| | 3. Albany, Garden Plain | | | |
| | 4. Newton, Fenton | | | |
| | 5. Erie, Portland | | | |
| | 6. Hume, Montmorency | | | |
| | 7. Tampico, Hannaman | | | |
| Will | 1. Florence, Wilton | | | |
| Winnebago | 1. Laona, Durand | | | |
| | 2. Harrison, Burritt | | | |
| Woodford | 1. Partridge, Cazenovia | | | |
| | 2. Linn, Clayton, Greene, Panola | | | |
| | 3. Cruger, Olio | | | |
| | 4. Palestine, Kansas | | | |

effective

(Source: Amended at 20 Ill. Reg. _____)

- a) The following details the receipt and processing requirements for farmland reviews made in accordance with Section 10-120 of the Property Tax Code [35 ILCS 200/10-120] Public Act 92-221 Amendment to Revenue Act of 1997. The County Farmland Assessment Review Committees may, beginning in 1997, object to and offer alternate recommendations to farmland procedures and valuations initially certified by the Department of Revenue for the next succeeding assessment year. Such objections must be made by August 1 of the year preceding the assessment year in question. In all cases, the Department is required to rule within 30 days and direct the Chief County Assessment Official to implement the ruling. Because of the severely compressed time frame involved and in the interests of ensuring that all county reviews are accorded the same impartial and thorough consideration, certain basic receipt and processing requirements are imperative. The written procedure set forth below is therefore designed to arrive at those receipt requirements and processing steps necessary to guarantee compliance with both the letter and intent of the law.
- b) Two in order to eliminate possible misunderstandings regarding the interpretation of the objections or alternatives submitted by the County Farmland Assessment Review Committee two written copies of such objections and alternatives must be submitted to the Department. To meet the required 30 day review deadline, the original farmland brief submitted must be complete as to the objections listed and must be timely filed.
- 1) A short introductory paragraph should enumerate the bases for the objection. If, for example, there are three primary reasons why the county objects to the valuations offered by the Department of Revenue, they should be numbered consecutively and briefly explained in this first paragraph.
 - 2) The main body of the written presentation should follow and explain each of the objections or problems enumerated in the first paragraph. Appendix references should be made as appropriate. Proposed alternate assessment values and procedures should then be presented and explained.
 - 3) All charts, graphs, tables, calculations, and other exhibits should be contained in the appendix. Each item in the appendix should be individually designated (such as: Attachment I, II, III) in order that the Analyst reviewing the data can refer from the written text discussed above to the appropriate item in the appendix.
 - 4) Objections made to the Department must be approved by a majority of the County Farmland Assessment Review Committee. The brief submitted (or a cover letter) must contain the signatures of that majority. In addition, the signatures submitted must be attested to by the Chairman of the Committee as being those of the County Farmland Assessment Review Committee membership. In lieu of these signatures, the Department will accept a Certified Copy of

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

the minutes of the meeting at which the vote was taken to submit an appeal to the Department. The Certified Copy must contain the signature of the Chairman of the Committee.

c) No clear cut criteria exists for determining in advance the type and amount of evidence necessary to positively demonstrate the correctness of the objection. However, certain types of data afford a better opportunity for review and demonstration of a successful objection to the Department's assessment values and expected averages.

- 1) Objections to the Department's certified values are more likely to carry the necessary burden of proof if they are founded upon recognized and easily verified sources such as detailed soil survey maps, property record cards (or abstracts of assessment and acreage data contained therein) or alternate productivity, yield or income data taken from acknowledged educational or research authorities in the agricultural profession.
- 2) The crop and farmland expected averages certified by the Department are based upon soil types identified within the counties, as well as farmland use. These averages serve as guidelines or starting points for helping the Department evaluate farmland assessment compliance. The Department recognizes that in some instances basic compliance with the Department's assessed values and procedures may result in substantial deviation from the expected averages as certified. However, County Farmland Committee objections to expected averages certified must carry the burden of proof in order to be successful.
- 3) Challenges to the weighted productivity indices (P.I.s) and equalized assessed valuations (EAVs) EAVs used by the Department should be based upon detailed soil survey maps. A county that believes the percentages of soil assumed by the Department of Revenue to exist for each productivity index range to be incorrect, should be able to demonstrate via soil survey the actual percentages by the same P.I. ranges. Because a detailed survey estimates the kinds of soils and their respective percentages of the total types within the county, it becomes a relatively simple matter to match these soils with their appropriate productivity index. By totalling the percent of soils having P.I.s P.I.s within the same productivity ranges used by the Department, it might be possible to demonstrate, for example, that the Department of Revenue based its crop land average on soil percentages that were incorrect.
- 4) An objection might also be made upon the premise that the land use averages utilized by the Department are incorrect or out of proportion with one another. For instance, it might be argued that the County has fewer total farmland acres than assumed by the Department, or that too many acres are attributed to crop land rather than pasture or other farmland. This could have the impact of creating artificially high expected averages. The recommended approach for this particular challenge would involve

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

acreage and assessment data abstracted or summarized from a complete set of Property Record Cards for farm property in the county. A certified abstract of the information from the Property Record Cards would be needed showing for each township the number of acres in each land classification and their assessed value. This information would have to be auditable; the Department would verify that the abstract totals agreed with the assessment book totals. Examples of selected parcels might also be appropriate to demonstrate why the land use percentages (tillable vs. nontillable for example) are not what would be expected. The county would have to demonstrate in their alternate recommendations exactly how the crop and farmland expected averages would be affected by the correct acreage amounts.

- 5) The County Farmland Review Committee could also object to the base data (i.e., productivity indices or agricultural economic values (REV)) provided by the Farmland Assessment Technical Advisory Board ~~determined by the University of Illinois College of Agriculture and utilized by the Department. In all such cases, the challenge must be based upon the same procedures and time frames (e.g., same 15-year period to compute yield data for productivity index) as the base data utilized by the University of Illinois. Any alternate net income, AAV, or productivity index data presented should be sufficiently detailed so as to permit analysis of how the corrected values were derived at.~~

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 110.170 Assessors' Bonus

- a) Section 1-20 of the Property Tax Code [35 ILCS 200/4-20] ~~State-1989-CH-1297-PAR-103-77~~ ~~provides a \$3,000 bonus for township and multi-township district assessors, including supervisors of assessments, who meet specified uniformity criteria in counties with fewer than 3,000,000 inhabitants. Application for the bonus shall~~ ~~will be made to the Department on of Form No. PRA-205 P-R-A-B-205. In all cases, it is incumbent upon the applicant to provide all data and information necessary to substantiate eligibility for the bonus. The information requested on Form No. PRA-205 P-R-A-B-205 is mandatory and failure to provide accurate and complete data as specified shall will result in rejection of the application. Additional information may be requested by the Department to aid in the determination of whether or not the coefficient of dispersion and level of assessment meet the legal requirements. The need for additional information, as well as the type of supporting documentation that may be required, is dependent upon the approach and~~

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

methodology selected by the applicant to document their eligibility for the bonus. The filing time frame for submitting the application and supporting documentation shall with begin April 15 and continue until 60 days after the tentative equalization factor is certified to the county. Applications for the \$3,000 bonus and all necessary documentation must be received within the specified time frame for during the assessment year in question.

- b) In determining the current level of assessments for the jurisdiction, the Department shall with use the most recent three-year adjusted median as determined by the assessment/sales ratio study, e.g., for the 1995 bonus, the Department shall use the 1992, 1993 and 1994 levels of assessment. Adjustments to the study data may be made on the basis of changes reported by the assessor on the application form and on any alternative sales ratio data submitted. For an application by a township or multi-township assessor, the average of the most recent three-year levels shall be adjusted only to reflect action by the township or multi-township assessor. Adjustments to the Department's most recent urban weighted three-year average county level for an application submitted by a Supervisor of Assessments shall with be made on the basis of assessment information provided on Form Nos. PTAX-280-A ~~P-2-A-9-R-Form-3994~~ (Tentative Abstract of Assessment), PTAX-230-R (Reclassification Table) and PTAX-204-S/A (Report on Equalization of Local Assessment by Supervisor of Assessments). Decisions relating to the coefficient of dispersion for purposes of qualifying for the bonus shall with be made using the Department's most recent single year assessment/sales ratio data, e.g., for the 1995 bonus award, the Department shall use the 1994 single-year sales ratio study. More recent or supplemental data shall with be accepted from the applicant to aid in determining whether or not the uniformity criteria for the assessment year being applied for meets the legal requirement. Alternate or supplemental data may take the form of current year sales from the jurisdiction matched with prior year assessments ~~adjusted for changes made since the data was collected~~. If there is an insufficient number of sales in an assessment jurisdiction, appraisals ~~appraisals~~ may also be used when provided by an objective source having no personal, business, or monetary interest in the Department's decision to award or withhold the bonus. If appraisals are submitted, the properties involved must be shown to have been selected in a random manner that adequately represents the jurisdiction or assessment district. As an alternate to appraisals in cases where there is an insufficient number of sales, a trending technique may be used to adjust the sale price for time. Whenever alternate sales ratio study data are is submitted, the sales used must conform to those edit standards commonly accepted in the appraisal field for determining "arms length" transactions, as detailed in the publication "Standard on Ratio Studies" ~~Standard on Assessment Ratio Studies~~ (International Association of Assessing Officers-1990 1989 edition). This incorporates no later amendment or

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

edition.

c) Department Audits

- 1) The Department may conduct field audits to determine the validity and accuracy of information and data provided on or with the application. Field audits shall with be conducted under two circumstances:
- A) on a random basis;
 - B) whenever the petitioner's study data qualifies for the bonus but Department sales data do ~~does~~ not indicate compliance with bonus with requirements.
- 2) The audit may include but not be limited to the assessor's books, abstracts, and property record cards. Failure to provide or have available information deemed necessary for the audit shall with result in denial of the bonus application.

- d) The Department may utilize assessment/sales ratio data from its annual study to evaluate the need for an in-depth review, pursuant to subsections (a), (b) and (c), of a bonus application and supporting data. In situations where Department data are is sufficient in quantity (i.e., 25 useable sales per township, other than townships for which 25 sales are not normally available), representative of the district (i.e., sufficient sales by geography and class of property), and clear as to both the current level and uniformity of assessments within the jurisdiction as required by Section 1-20 of the Property Tax Code ~~2-7-66-Act~~, decisions regarding eligibility for the bonus may be made without review or audit of data presented with the application. Unless the petitioner can provide additional information which changes the Department of Revenue study so as to qualify the applicant for the bonus or information that reveals an error or omission in the Department's our study, the petition shall with be denied (assuming the Department's study does not indicate eligibility for the bonus).

- e) Decisions by the Department of Revenue shall with be made in writing to the applicant ~~within 90 days of receipt of the application and all supporting documentation including any additional information requested by the Department under subsection (a)~~. Decisions affecting levels of assessment or coefficients of dispersion made in consideration of eligibility for the \$3,000 bonus are non-binding upon the Department's equalization factor computation process. All Department decisions regarding eligibility for the bonus shall with be final for the assessment year involved.

- f) Federal and State income taxes, the employee's share of Social Security taxes and, if applicable, the employee's share of contributions to the Illinois Municipal Retirement Fund shall be withheld from such \$3,000 bonus. An employee's withheld Social Security tax and Illinois Municipal Retirement Fund contribution shall be forwarded to the township, multi-township or county that employs the assessor for proper accounting and forwarding to the appropriate authorities. The township, multi-township or county that employs the

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

assessor shall pay the employer's share of Social Security taxes and, if applicable, contributions to the Illinois Municipal Retirement Fund.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 110.175 Equalization by Chief County Assessment Officers in Counties with Fewer Than 3,000,000 Inhabitants ~~Supervisor of Assessments~~

a) Section 9-210 of the Property Tax Code [35 ILCS 200/9-210 ~~110-Rev-Stat-1983-CR-1297-9a-1-1984~~] requires Chief County Assessment Officers in counties with fewer than 3,000,000 inhabitants ~~Supervisors of Assessments~~ to apply equalization factors to attain a level of assessments of 33 1/3% of market value, and Section 3-40 of the Property Tax Code [35 ILCS 200/3-40] provides that the Department will not reimburse a county for 50% of the amount of salary the county paid to of the Supervisor of Assessments for the preceding month unless the level of assessments is between 31 1/3% and 35 1/3% of fair cash value. For purposes of determining compliance with the statutory requirement, the Department will adjust prior year sales ratio data using the most recent Tentative Abstract of Assessments (Form PTAX-220-A), Reclassification Table (Form PTAX-230-B) and Report on Equalization of Local Assessment by Supervisor of Assessments (Form PTAX-201-B). ~~PTAX-201-B~~ This will be done to reflect current year assessment changes. Within 60 days after certification of the county's tentative equalization factor, the Department will make a determination as to whether or not the statutory assessment level range has been attained. If the required level has not been attained, the County Treasurer will be immediately notified in writing that State reimbursement for one-half of the Supervisor of Assessment's ~~Assessment~~ salary will not be made to the county. Reimbursement will not be reinstated until a Tentative Abstract of Assessments received in a subsequent year reflects equalization assessment and/or value changes sufficient to bring the level of assessments to within the range level prescribed by law. When the county again becomes eligible for Supervisor of Assessment salary reimbursement, the County Treasurer will be notified in writing. In all cases, determination as to the level of assessments for purposes of this Section ~~Public Act 83-1032~~ will not be made until after evidence (if any) submitted at the tentative equalization factor hearing is reviewed and the Department's findings concerning such evidence is certified to the County Clerk.

b) The 50% reimbursement to the county by the State shall include only reimbursement for the salary paid to the Supervisor of Assessments for the preceding month. Reimbursement salary shall not include amounts paid to the Supervisor of Assessments by the county for unused sick, vacation or compensatory days or other compensation not actually

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

earned in the preceding month. Reimbursable salary may include the employee's share of Social Security, retirement, health insurance or other such employee contributions from salary for work during the preceding month and amounts paid into a deferred compensation program for work during the preceding month but shall not include amounts paid for a county's share of Social Security, retirement, health insurance or a county's share of any other such benefit.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 110.180 Supervisor of Assessments Examination

a) Section 3-5 of the Property Tax Code [35 ILCS 200/3-5] requires, in addition to certain designation and experience criteria, that in order to be eligible for appointment or election to the office of Supervisor of Assessments a person must pass an examination conducted by the Department to determine his or her competence to hold office. Eligibility must be met to be appointed, to file nomination papers, to be a candidate in a primary or general election, to be elected and to assume office.

b) A person may take the Supervisor of Assessments examination in any county where it is given, and the results shall be valid in any county throughout the State.

c) ~~County Examination Requests in Counties that Appoint a Supervisor of Assessments: If the presiding officer of the County Board intends to appoint a person to be Supervisor of Assessments who has not passed the Supervisor of Assessments examination within the requisite time, an examination administered by the Department shall be requested by the presiding officer of the County Board at least 21 days before an appointment is to be made. Before requesting that a Supervisor of Assessments examination be administered in a county that appoints a Supervisor of Assessments, one of the three following criteria must be met:~~

- 1) ~~The current Supervisor of Assessments has died or submitted a resignation with an effective date.~~
- 2) ~~The County Board has voted to dismiss the current Supervisor of Assessments for misfeasance, malfeasance or nonfeasance. In this case, the examination will be given after the 21 day dismissal appeal period if no hearing is requested by the current Supervisor of Assessments. If a hearing is requested by the current Supervisor of Assessments pursuant to 35 ILCS 200/3-10, the examination will be scheduled only after the hearing and a final vote to dismiss the current Supervisor of Assessments.~~
- 3) ~~The presiding officer of the County Board has voted to reappoint the current Supervisor of Assessments and has notified the current Supervisor of Assessments within 90 to 120 days prior to the expiration of his term that the presiding officer does not~~

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

intend to reappoint the Supervisor of Assessments.

- d) County Examination Requests in Counties that Elect a Supervisor of Assessments: A person who wants to be a candidate for elected Supervisor of Assessments in a county and who has not passed the Department examination within two years after the first day for filing nomination papers shall request at least 30 days before the first day for filing nomination petitions that the County Clerk request an examination be given by the Department. If a person makes such a request, the County Clerk shall at least 21 days before the first day request, the County Clerk shall request that the Department administer an examination. The presiding officer of the County Board may request at least 21 days before the first day for filing nomination petitions that the Department give the examination, and if the presiding officer does so, the County Clerk need not duplicate the request.

e) Examination Score

- 1) A passing score of 70% or more correct will be valid for a two-year period commencing with the day the examination was taken.

- 2) If a person re-takes the examination, the most current examination score supersedes any previous examination score and the two-year period will begin with the most recent date that the person took and received a passing score on the examination.

- 3) In counties that appoint a Supervisor of Assessments, all persons certified to a county by the Department of Revenue as passing the examination shall be considered by that county as having met the examination requirements even though the two-year period may expire between the time the list in subsection (g) below is certified and the actual appointment is made. However, no list shall be valid for more than 120 days. If a person verifies having passed the test by presenting a grade request form pursuant to subsection (f)(1)(A) below, the test must have been taken within two years before the date the appointment is made.

- 4) In counties that elect a Supervisor of Assessments, a person presenting a grade request form pursuant to subsection (f)(2)(A) below at the time his or her nomination papers are filed shall be considered as having met the examination requirements even though the two-year period may expire between the time the nomination papers are filed and the elected Supervisor of Assessments assumes office. In such counties a person whose name appears on the list provided by the Department pursuant to subsection (f)(2)(B) below shall be considered as having met the examination requirements even though the two-year period may expire between the first day nomination papers may be filed and the time an elected Supervisor of Assessments assumes office.

f) Verification of Passing the Examination

- 1) In counties that appoint a Supervisor of Assessments, verification that a person is certified as having passed the

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

examination within the required time period shall be made by:

- A) The person presenting to the presiding officer of the County Board or his designee a grade request form signed by two Department examiners indicating the person received a grade of at least 70% on the examination within two years of the date of the appointment, or
- B) The person's name appearing on the list requested by the presiding officer of the County Board or his designee and provided by the Department pursuant to subsection (g) below. In counties that elect a Supervisor of Assessments, verification that a person is certified as having passed the examination within the required time period at the time the person files nomination papers shall be made by:

- A) The person presenting to the County Clerk or his designee a grade request form signed by two Department examiners indicating the person received a grade of at least 70% on the examination within two years before the date the nomination papers were filed, or

- B) The person's name appearing on the list requested by the County Clerk or his designee or the presiding officer of the County Board or his designee and provided by the Department pursuant to subsection (g) below.

g) List of People Passing Examination

- 1) The Department shall maintain a list of people who have passed the Supervisor of Assessments examination within the last two years. Such list shall include each person's name, address, telephone number, and examination score. A person who does not wish to be on the certified list for the county in which the exam is being given may sign a waiver to keep his or her name off that county's list. A person who does not wish to be on any certified list may so request on the examination application. A person who requests not to be on a list shall still receive a grade slip and, if a passing score was received, the grade slip signed by two Department examiners shall serve as proof of meeting the examination requirement for two years from the date of the examination. A person who has passed the examination but has requested that his or her name not be on any list may later request to be placed on a list for the remainder of the two years from the date of the examination.

- 2) The list of people with passing scores will be provided by the Department when there is a vacancy in the position of Supervisor of Assessments in a county that appoints a Supervisor of Assessments and the presiding officer of the County Board, ~~County Board-Chairman~~ or his designee requests such list. Additional updated lists may be provided until such time as the vacancy is filled.

- 3) When a vacancy is filled by a permanent appointment to the position of Supervisor of Assessments, all lists previously

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

designated for new property in the assessment books.

3) ~~4~~ The following special situations are new property under the circumstances described:

A) New improvements or additions to existing improvements that increased the assessed value of property during the levy year in an Enterprise Zone comprise new property for that levy year only to the extent that taxes are not abated on this new property.

B) Property which receives a prorated assessment under Section 9-180 of the Property Tax Code [35 ILCS 200/9-180] ~~27a--of the--Revenue--Act--of--1999~~ because of the construction of new or added buildings, structures or other improvements which were substantially completed ~~of 7~~ initially occupied or initially used during the levy year is new property and the amount of new property for that levy year is the amount of the equalized prorated assessment. When this property receives the full assessment in the next levy year, the difference between the equalized prorated assessment and the next levy year's equalized assessment which is due to the new or added buildings, structures or other improvements which were substantially completed or initially occupied or initially used is the amount of new property for the next levy year.

4) ~~5~~ New property does not include:

A) Property which in the prior year received a prorated assessment as damaged, uninhabitable property under Section 9-180 of the Property Tax Code [35 ILCS 200/9-180] ~~27a--of the--Revenue--Act~~ or as damaged property under Section 13-5 of the Property Tax Code [35 ILCS 200/13-5] ~~449-01--of--the--Revenue--Act~~ (disaster area). However, there are three exceptions:

i) If new improvements are added to the parcel, these new improvements are new property.

ii) If square footage is added to the structure, this addition to the structure is new property.

iii) If the property was completely destroyed and rebuilt, then the completely rebuilt structure is new property.

B) Property on which the assessment has increased under Section 10-50 of the Property Tax Code [35 ILCS 200/10-50] ~~294-3--of--the--Revenue--Act--of--1999~~ (phaseout of historic residence assessment) and property on which the assessment under Section 10-45 of the Property Tax Code [35 ILCS 200/10-45] (historic residence assessment) ~~294-2~~ has been revoked.

et ~~Property--when--was--exempt--during--the--state--levy--year--and--reclassified--and--assessed--as--non-exempt--for--the--levy--year--~~

C) ~~1~~ Property which was exempt on January 1 of the levy year and reclassified and assessed as non-exempt during the levy year.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

D) ~~2~~ That portion of property receiving the homestead improvement exemption under Section 15-190 of the Property Tax Code [35 ILCS 200/15-180] ~~Sections--19-23--2--of--19-23--7--of--the--Revenue--Act--of--1999~~. However, the additional assessment attributable to the removal or expiration of the homestead improvement exemption is new property in the year of the removal or expiration. The value of the new property shall be the most recent assessed value of that portion for which the homestead improvement exemption has expired or is removed times the equalization factor.

E) ~~3~~ Omitted property assessed under Section 9-265 of the Property Tax Code [35 ILCS 200/9-265] ~~229--of--the--Revenue--Act~~.

F) ~~4~~ New improvements or additions to existing improvements on property in a redevelopment project area, as defined in the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/Art. II, Div. 74.4], the Industrial Jobs Recovery Law [65 ILCS 5/Art. II, Div. 74.6] or the Economic Development Area Tax Increment Allocation Act [20 ILCS 620], that increased the assessed value of property during the levy year ~~in--a--tax--increment--financing--district~~.

G) ~~5~~ All increases in the assessment of land.

b) Levies Subject to Annual Backdoor Referendum

1) Section 18-190 of the Property Tax Code [35 ILCS 200/18-190] ~~1-77a--of--the--Property--Tax--Extension--Limitation--Act~~ requires that a new rate or a rate increase be approved at a direct referendum before it becomes effective for an affected taxing district subject to the Property Tax Extension Limitation Law.

2) Rates required to extend taxes on levies subject to a backdoor referendum in each year there is a levy are not new rates or rate increases under Section 18-190 ~~1-77a~~ if a levy has been made for the fund in one or more of the preceding three levy years.

3) If a higher statutory rate limit for the fund is enacted and a levy causes the rate to be above the previous statutory rate limit, this is a rate increase under Section 18-190 ~~1-77a~~ which must be submitted to direct referendum in order to become effective.

4) When a levy for a specific fund is made for the first time, this is a new rate under Section 18-190 ~~1-77a~~ without regard to whether it is a new statutory authorization.

c) Computation of the Limiting Rate

1) When computing the limiting rate, the incremental equalized assessed value in a tax increment financing district is not included in the current year's equalized assessed value of all real property in the territory under the jurisdiction of the taxing district during the prior levy year.

2) When computing the limiting rate, the equalized assessed value in an Enterprise Zone is not included in the current year's

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

equalized assessed value of all real property in the territory under the jurisdiction of the taxing district during the prior levy year to the extent that taxes are apated on this property.

3+ when adjusting the limiting rate for a disconnection, the current levy year is equalized assessed value of property which was under the jurisdiction of the taxing district during the prior levy year, but which is not one of the disconnected territories is subtracted from the denominator of the limiting rate.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Disadvantaged Business Enterprises

2) Code Citation: 92 Ill. Adm. Code 10

3) Section Numbers: Proposed Action:
10.40 Amend

4) Statutory Authority: Implementing and authorized by Section 5 of the Illinois Purchasing Act [30 ILCS 505/5] and by Sections 3-101, 3-103 and 4-201.1 of the Illinois Highway Code [605 ILCS 5/3-101, 3-103 and 4-201].

5) A Complete Description of the Subjects and Issues Involved: By this Notice of Proposed Amendments, the Department is clarifying an ambiguity that exists in Section 10.40(a). The Department has been receiving inquiries as to whether firms that hold other DBE MBE certifications could be considered eligible to participate in the Department's DBE program. Although Section 10.40(a) addresses the issue, the Department, by this rulemaking, is clearly stating that only concerns and joint ventures certified by the Department are eligible to participate in the Department's DBE program.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect not-for-profit agencies or units of local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submission shall be filed with:

Ms. Beverly R. Peters, Bureau Chief
Bureau of Small Business Enterprises
Illinois Department of Transportation
2300 South Dirksen Parkway, Room 319
Springfield, IL 62764
(217) 785-5947

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED AMENDMENT
TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER a: GENERAL
PART 10
DISADVANTAGED BUSINESS ENTERPRISES

Section	Purpose
10.10	Incorporation By Reference of Federal Regulations
10.20	Definitions
10.30	Eligibility Standards
10.40	Certification
10.50	Recertification
10.60	Decertification
10.70	Challenge
10.80	Public Meetings
10.90	

AUTHORITY: Implementing and authorized by Section 5 of the Illinois Purchasing Act [30 ILCS 505/5] and by Sections 3-101, 3-103, and 4-201.1 of the Illinois Highway Code [605 ILCS 5/3-101, 3-103, and 4-201.1].

SOURCE: Adopted at 11 Ill. Reg. 13645, effective August 3, 1987; amended at 12 Ill. Reg. 9717, effective May 24, 1988; amended at 13 Ill. Reg. 3962, effective March 14, 1989; emergency amendment at 16 Ill. Reg. 16407, effective October 9, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 17239, effective September 24, 1993; amended at 20 Ill. Reg. _____

Section 10.40 Eligibility Standards

- a) Only concerns and joint ventures certified by the Department are eligible to participate in the Department's DBE program.
- b) Only concerns and joint ventures certified by the Department as disadvantaged are eligible to be counted toward the goals established in contracts let by the Department.
- c) To ensure that this Part benefits only qualified applicants, the eligibility standards of 49 CFR 23 shall be used by the Department to determine whether an applicant is owned and controlled by one or more socially and economically disadvantaged individuals. The determination of eligibility for certification or recertification shall be governed by the eligibility standards. An applicant for certification or recertification shall prove that it satisfies the eligibility standards. For example, an individual applying for certification is required to submit documentation verifying ethnicity, including but not limited to, a passport, a birth certificate, tribal certificate, Bureau of Indian Affairs card, and Armed Services Discharge Papers. An applicant for certification in accordance with

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED AMENDMENT

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
2300 South Dirksen Parkway, Room 300
Springfield, IL 62764
(217) 782-3215

Comments received within forty-five days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

- 12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses. This amendment clarifies language already contained in the rule.
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: The need for clarification of the language in the rule only recently became apparent.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

either Section 10.50(h)(1), 10.60(k)(1) or 10.70(f)(1), in addition to proving that it satisfies all eligibility standards, shall prove that it has corrected all deficiencies listed in the Notice of Denial or Decertification. These standards of eligibility must be met before an applicant can be certified. If a firm fails to meet one of the eligibility standards, no further consideration need be given to the application, and the certification shall be denied.

d) b An applicant shall be certified or recertified as a DBE, in accordance with the procedures set forth in Sections 10.50 and 10.60, if the applicant meets the definition of a DBE as determined by the eligibility standards.

e) c An applicant whose principal place of business is located in a state other than Illinois shall be certified by that state in accordance with its program prior to certification by the Department.

f) d An applicant shall possess all necessary, valid licenses and operating authority to do business in this State prior to certification by the Department.

g) e In accordance with the eligibility standards set forth in 19 CFR 23. the Department shall give consideration to the following circumstances in determining eligibility in this part:

1) Applicants which are newly formed or whose ownership or control has changed within two years prior to the application for certification shall be examined to determine if the firm meets the criteria for an independent business and that the ownership is not merely pro forma.

2) A previous or continuing employer-employee relationship between or among present owners of an applicant shall be examined to ensure that the eligible owner has the management responsibility, control, and capacity provided for in the eligibility standards.

3) Any relationship between an applicant and a business, concern, firm or individual which is not eligible for certification shall be examined to determine if the relationship conflicts with the ownership and control requirements of the eligibility standards. Such relationships include but are not limited to the following:

- A) shared employees.
- B) shared or leased equipment.
- C) shared or leased office space.
- D) shared or leased storage space or equipment storage yards.
- E) financial investment, loans or assistance.
- F) interlocking interests and
- G) management of technical services.

4) Applicants which are not seasonal shall not be eligible for certification seasonal. This part, in order to be considered operational, a person shall be established in business and shall demonstrate the actual performance, control, management and supervision of work in the categories of work in which certification is sought or the activity and the expertise to perform, manage, direct and supervise the work in the categories

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

of work for which certification is sought. In order to demonstrate the above described elements, an applicant without past experience may offer such evidence as: prior ownership of a business, prior work experience in the work categories sought, or prior work experience in related work categories.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: The Travel Regulation Council

2) Code Citation: 80 Ill. Adm. Code 3000

3) Section Number: Adopted Action:

- 3000.100 Amend
- 3000.140 Amend
- 3000.210 Amend
- 3000.230 Amend
- 3000.300 Amend

4) Statutory Authority: Implementing and authorized by Sections 12, 12-2, and 12-3 of the State Finance Act (30 ILCS 105/12, 12-2 and 12-3)

5) Effective Date of Rules: May 13, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Do the Rules contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: May 10, 1996

9) Notice of Proposal Published in Illinois Register: January 19, 1996, 20 Ill. Reg. 935

10) Has JCAR issued a Statement of Objections to the Amendments? No

11) Differences between proposal and final version: Several minor editing changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.

13) Will the Rules replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? Yes

Section Number Proposed Action Ill. Reg. Citation
3000.30 Amendment 20 Ill Reg. 4887

15) Summary and Purpose of Rules: The amendments will allow the State to defer any mileage reimbursement rate change to the beginning of the next fiscal year. Previously, the State was required to change the mileage rate in accordance with the rate set by the Federal Government. This new language will allow agencies time to prepare and budget for mileage rate changes. This amendment also changes the requirements for reporting individuals whose official headquarters have been designated at a location other than

that at which their official duties require them to spend the largest part of their working time. In addition, Sections 3000.100, 3000.140 and 3000.230 are being amended to reflect the new State Finance Act and the State Auditing Act authority citations.

16) Information and questions regarding this adopted rule shall be directed to:

Stephen W. Seiple
720 Stratton Office Building
Springfield, IL 62706
(217)782-3663
TDD (217)785-3379

The full text of the Adopted Amendments begins on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE 1: GENERAL TRAVEL CONTROL

CHAPTER IV: TRAVEL REGULATION COUNCIL

PART 3000

THE TRAVEL REGULATION COUNCIL

SUBPART A: GENERAL

Section
3000.100 Authority
3000.110 Philosophy
3000.120 Policy
3000.130 Scope and Interpretation
3000.140 Definitions

SUBPART B: TRAVEL CONTROL SYSTEM

Section
3000.200 Travel Control System
3000.210 Designation of Headquarters
3000.220 Expenses at Headquarters or Residence
3000.230 Preparation and Submission of Vouchers or Travel Expenses

SUBPART C: TRANSPORTATION

Section
3000.300 Modes of Transportation
3000.310 Routing

SUBPART D: LODGING

Section
3000.400 Lodging Allowances
3000.410 Least Cost Lodging
3000.420 Conference Lodging
3000.430 Employee Owned or Controlled Housing

SUBPART E: PER DIEM-MEALS

Section
3000.500 Per Diem Allowance
3000.510 Meal Allowance

SUBPART F: MISCELLANEOUS RULES

Section
3000.600 Reimbursable and Non-Reimbursable Expenses

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

3000.610 Expenses Related to Transportation
3000.620 Receipts Required
3000.630 Meals for Other Persons

SUBPART G: EXCEPTIONS

Section
3000.700 Exceptions to the Rules
3000.710 Board-Agency Rules
3000.720 Non-Required Travel

APPENDIX A Reimbursement Schedule

AUTHORITY: Implementing and authorized by Sections 12, 12-2 and 12-3 of the State Finance Act (30 ILCS 105/12, 12-2 and 12-3).

SOURCE: Emergency rules adopted at 10 Ill. Reg. 12697, effective July 2, 1986, for a maximum of 150 days; adopted at 10 Ill. Reg. 18188, effective January 1, 1987; peremptory amendment at 11 Ill. Reg. 14854, effective August 25, 1987; amended at 12 Ill. Reg. 11626, effective July 1, 1988; amended at 14 Ill. Reg. 10014, effective July 1, 1990; **7372** amended at 19 Ill. Reg. 7852, effective July 1, 1995; amended at 20 Ill. Reg. _____, effective **MAY 13 1996**.

SUBPART A: GENERAL

Section 3000.100 Authority

This Part is promulgated under the authority vested in the Travel Regulation Council by the State Finance Act (30 ILCS 105/12-1). Section 12-2 of the Act in relation to State Finance Act is hereby amended to read as follows:

(Source: Amended at 20 Ill. Reg. **7372**, effective **MAY 13 1996**)

Section 3000.140 Definitions

Agency: Any department, board, commission, committee, authority, or institution as defined in the Illinois State Auditing Act (30 ILCS 5/1-71, title-Rev.-Stat.-1995-enr-157-par-391-17)

Agency Head: The chief executive officer of an agency or a designated representative. Representatives must be authorized by the Agency Head and must be on file with the Office of the Comptroller. Filing of the Signature Authorization Card (SCC-25) shall constitute authorization.

Commuting Expense: The cost of one round trip between residence and headquarters, regardless of mode of transportation on any given day.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Headquarters: The post of duty or station at which official duties require the employee to spend the largest part of working time. Headquarters shall ordinarily be the corporate city limits in which the employee is stationed or may be a designated geographical area. Headquarters shall be designated by the Agency Head in accordance with policies established by the appropriate Travel Control Board.

Travel Control Board: Those Boards created by the State Finance Act [30 ILCS 105/12-1]. Section--149-i--of--AN-Act--in--relation--to--State Finance--(iii--Rev--Stat--1985--ch--127--par--149-i--)

Travel Regulation Council: The Travel Regulation Council (TRC or the Council) shall consist of the Chairmen or designee of each of the statutorily created Travel Control Boards.

Travel Status: An employee shall be considered "on travel status" while away from headquarters on authorized state business. Travel status shall begin when an employee leaves headquarters or, if reporting directly to destination, from residence or other location. Travel status shall conclude when an employee returns to headquarters or, if reporting directly from original destination, to residence or other location at the completion of authorized State business.

(Source: Amended at 20 Ill. Reg. 7372, effective MAY 13 1996)

SUBPART B TRAVEL CONTROL SYSTEM

Section 3000.210 Designation of Headquarters

- a) Section 12-3 of the State Finance Act, [30 ILCS 105/12-3], Section 149-9-of--AN-Act--in--relation--to--State--Finance--(iii--Rev--Stat--1985--ch--127--par--149-9) requires that Form TR-2 be completed and filed with the Legislative Audit Commission by the first working day of June and December each year for any individual whose headquarters has been designated as a location other than that at which official duties require the largest part of working time. The reports shall be filed no later than July 15 for the period from January 1 through June 30 of that year and no later than January 15 for the period July 1 through December 31 of the preceding year. If an agency has more than one facility or institution, the report shall indicate on its face to which facility or institution the data pertain.
- b) Agencies with no officers or employees in this status will file negative reports.
- c) The Travel Control Boards shall prescribe procedures for headquarters designation for Agency Heads under their respective jurisdictions.
- (Source: Amended at 20 Ill. Reg. 7372, effective

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

____ MAY 13 1996 ____

Section 3000.230 Preparation and Submission of Vouchers or Travel Expenses

The Travel Control Boards shall prescribe procedures for the preparation and submission of vouchers for travel expenses for agencies under their respective jurisdictions to comply with the Comptroller's Uniform Statewide Accounting System and shall include the certification required by Section 12 of the State Finance Act [30 ILCS 105/12]. Section--13--of--AN-Act--in--Relation--to--State Finance--(effective--July--17--1985--as--amended--(iii--Rev--Stat--1987--ch--127--par--149--))

(Source: Amended MAY 13 1996 at 20 Ill. Reg. 7372, effective

SUBPART C: TRANSPORTATION

Section 3000.300 Modes of Transportation

- a) All travel shall be by the most economical mode of transportation available considering travel time, costs, and work requirements. Modes of transportation authorized for official travel include automobiles, railroads, airlines, buses, taxicabs, and other usual means of conveyance.
- b) State vehicles may be used when most economical. When applicable, Vehicle Rules (44 Ill. Adm. Code 5040) issued by the Department of Central Management Services shall govern use of State-owned vehicles. Agency rules further defining use of vehicles may also apply. Specific instructions covering service and repairs of these vehicles are to be found in the glove compartment of each vehicle.
- c) Arrangements on airplanes, trains, or boats shall be the least costly reasonably available alternative.
- d) Chartered aircraft, boats, trains, buses, or other such conveyance, shall be used only as a last resort or if proven to be most economical for the circumstances. A full explanation for the use of such transportation must accompany the voucher.
- e) The rental of an automobile while on travel status is allowed, if circumstances require. The most economical vehicle available that is suitable for the State's business shall be obtained. The collision damage waiver and personal accident insurance on rented vehicles are not reimbursable.
- f) Privately owned vehicles may be used when authorized by appropriate agency personnel.
- 1) Employees using private vehicles on State business must have insurance coverage in an amount not less than that required by Section 10-101(b) of the Illinois Vehicle Code (625 ILCS 5/10-101(b)). Section--16--101(b)--of--the--Illinois--Vehicle--Code--(11th--Rev--Stat--1987--ch--95--1/2--par--19-101(b)). Prior to such

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

authorization the Agency Head shall require employees to file a statement certifying that they are duly licensed and carry at least the minimum insurance coverage or shall require such certification to be noted on the travel voucher.

2) Reimbursement for use of a private vehicle shall be on a mileage basis and shall be in accordance with the rate promulgated pursuant to 5 U.S.C. 5707(b)(2) and is shown in Appendix A, Reimbursement Schedule. However, in the event the rate set under Federal Regulations changes during the course of the State's fiscal year, the effective date of the new rate shall be the July 1 immediately following the change in the federal rate.

g) Agency Heads may authorize the use of privately owned aircraft on State business. The employee shall be duly licensed by the appropriate licensing body for the particular aircraft to be flown, carry insurance in at least the amount of \$500,000 combined single limit, and shall certify this to the Agency Head. Such certification shall be available for review and shall also be noted on the travel voucher.

(Source: Amended at 20 Ill. Reg. 7372, effective MAY 13 1996.)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Travel

2) Code Citation: 80 Ill. Adm. Code 2800

3) Section Number: Adopted Action:
2800.700 Amend
2800.710 Amend

4) Statutory Authority: Implementing and authorized by Sections 12, 12-1, 12-2, and 12-3 of the State Finance Act [30 IBCS 105/12, 12-1, 12-2 and 12-3] and authorized by The Travel Regulation Council (80 Ill. Adm. Code 3000).

5) Effective Date of Rules: May 13, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Do the Rules contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: May 10, 1996

9) Notice of Proposal Published in Illinois Register: January 19, 1996, 20 Ill. Reg. 942

10) Has JCAR issued a Statement of Objections to the Amendments? No

11) Differences between proposal and final version: No changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.

13) Will the Rules replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules: These sections require that exceptions to the travel rules be approved by the Director of the Department of Central Management Services. The statute does not require the Director of CMS to be the Chairman of the Governor's Travel Control Board. Historically, it always has been, so there has never been a conflict. However, to be consistent with the law, references to the Director of CMS should be changed to Chairman of the Governor's Travel Control Board.

16) Information and questions regarding this adopted rule shall be directed to:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Stephen W. Seiple
720 Stratton Office Building
Springfield, IL 62706
(217)782-9669
TDD (217)785-3979

The full text of the Adopted Amendments begins on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE I: GENERAL TRAVEL CONTROL
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES/
GOVERNOR'S TRAVEL CONTROL BOARD

PART 2800
TRAVEL

SUBPART A: GENERAL

Section	
2800.100	Definitions
2800.110	Application and Interpretation

SUBPART B: TRAVEL CONTROL SYSTEM

Section	
2800.200	Travel Control System
2800.210	Travel Coordinator
2800.220	Travel Authority
2800.230	Government Charge Cards
2800.235	Expenses at Headquarters or Residence
2800.240	Preparation and Submission of Travel Vouchers
2800.250	Approval and Submission of Travel Vouchers
2800.260	Items Directly Billed
2800.270	Conference Registration Fees

SUBPART C: TRANSPORTATION EXPENSES

Section	
2800.300	Incidental Expenses for Private and State Owned Automobiles

SUBPART D: LODGING

Section	
2800.400	Conference Lodging
2800.410	Employee Owned or Controlled Housing

SUBPART E: PER DIEM MEALS

Section	
2800.500	Conference Meals

SUBPART F: MISCELLANEOUS RULES

Section	
2800.600	Lack of Receipts
2800.650	Headquarter Designation for Agency Heads

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

SUBPART G: EXCEPTIONS TO THE RULES

Section
2800.700 Special Exceptions-Requested in Advance
2800.710 Ex Post Facto Exceptions

Appendix A Reimbursement Schedule

AUTHORITY: Implementing and authorized by Sections 12, 12-1, 12-2, and 12-3 of the State Finance Act (30 ILCS 125-12, 12-1, 12-2 and 12-3) and authorized by the Travel Regulation Council (80 Ill. Adm. Code 3000).

SOURCE: Amended March 11, 1976; amended at 2 Ill. Reg. 30, p. 215, effective August 1, 1978; new rules adopted at 4 Ill. Reg. 28, p. 155, effective July 1, 1980; old rules repealed at 4 Ill. Reg. 33, p. 1224, July 1, 1980; amended at 5 Ill. Reg. 150, effective January 1, 1981; amended at 6 Ill. Reg. 6682, effective July 1, 1982; amended at 7 Ill. Reg. 9205, effective August 1, 1983; amended at 8 Ill. Reg. 127, 130, effective January 1, 1984; amended at 9 Ill. Reg. 14243, effective August 1, 1984; codified at 8 Ill. Reg. 19350; amended at 10 Ill. Reg. 13014, effective October 6, 1986; Part repealed, new Part adopted at 12 Ill. Reg. 738, effective January 15, 1988; emergency amendment at 15 Ill. Reg. 13196, effective September 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17981, effective November 27, 1991; amended at 16 Ill. Reg. 4831, effective March 12, 1992; amended at 16 Ill. Reg. 13823, effective September 1, 1992; amended at 19 Ill. Reg. 36, effective January 1, 1995; amended at 19 Ill. Reg. 7858, effective July 1, 1995; amended at 20 Ill. Reg. 7379, effective MAY 13 1996.

SUBPART G: EXCEPTIONS TO THE RULES

Section 2800.700 Special Exceptions - Requested In Advance

- a) Exceptions to the operation of specific provisions of this Part may be granted in advance by the Chairman of the Governor's Travel Control Board ~~Director of the Department of Central Management Services~~ when necessary to meet special or unavoidable circumstances and when in the best interest of the State. Exceptions are to be requested in writing by the Agency Head and submitted sufficiently in advance to allow meaningful consideration. These exceptions are granted to specific individuals or specified groups of individuals in a single agency.
- b) Travel outside the contiguous United States requires the approval of the Chairman of the Governor's Travel Control Board ~~Director of the Department of Central Management Services~~ prior to such travel. All requests shall be submitted at least 30 days in advance of the departure date. Requests shall be in writing with approval/disapproval based on necessity. To show necessity, the Agency Head must describe how the travel relates to a function of the agency, must state why the particular individuals were selected, must

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

verify that the least costly reasonable means of travel was selected and must personally sign the request. Unless the travel is patently nonessential or clearly excessive as to cost, approval will be given.

(Source: Amended at 20 Ill. Reg. 7379, effective MAY 13 1996)

Section 2800.710 Ex Post Facto Exceptions

- a) Exceptions to the operation of specific provisions of this Part may be granted after the fact by the Chairman of the Governor's Travel Control Board ~~Director of the Department of Central Management Services~~ when necessary to meet special or unavoidable circumstances and when in the best interests of the State. Exceptions are to be requested in writing by the Agency Head. The affected employee may request an exception if the Agency Head will not do so. The request must state in detail the nature of the request, the reasons for non-compliance, and why the request should be granted.
- b) In all cases of requests for approval for payment of hotel rates which exceed the maximum rates permitted, a diligent effort must have been made to obtain lodging in a hotel honoring the State rate. A reasonable number of hotels must be contacted. Contacting three or four additional hotels in an urban area will be considered reasonable. This is not required in the case of an individual who attends a conference and stays at or near the hotel where the conference is held as provided for in Section 2800.440.

(Source: ~~MAY 13 1996~~ at 20 Ill. Reg. 7379, effective MAY 13 1996)

ILLINOIS STATE LABOR RELATIONS BOARD
ILLINOIS LOCAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Freedom of Information

2) Code Citation: 2 Ill. Adm. Code 2501

3) Section Numbers: Adopted Action:

2501.10 Amendment
2501.20 Amendment
2501.30 Amendment
2501.40 Amendment
2501.50 Amendment
2501.60 Amendment

4) Statutory Authority: Illinois Public Labor Relations Act, 5 ILCS 315 (1994)

5) Effective Date of Rulemaking: May 10, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: April 24, 1996

9) Notice of Proposal Published in Illinois Register: January 12, 1996, 20 Ill. Reg. 662

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This rulemaking updates the Boards' addresses and designates two types of records that are regarded as confidential. The other proposed changes to this rule make technical corrections such as statutory citations and changing hearing officer to administrative law judge.

16) Information and questions regarding these adopted amendments shall be directed to:

Lydia Mills Wendt

ILLINOIS STATE LABOR RELATIONS BOARD
ILLINOIS LOCAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

Deputy General Counsel
Illinois State Labor Relations Board
320 West Washington St., Suite 500
Springfield, IL 62701
(217)785-3155
FAX: (217)785-4146

The full text of the Adopted Amendment begins on the next page:

ILLINOIS STATE LABOR RELATIONS BOARD	ILLINOIS STATE LABOR RELATIONS BOARD
ILLINOIS LOCAL LABOR RELATIONS BOARD	ILLINOIS LOCAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER XII: ILLINOIS STATE LABOR RELATIONS BOARD/
ILLINOIS LOCAL LABOR RELATIONS BOARD

PART 2501
FREEDOM OF INFORMATION

- Section
2501.10
2501.20
2501.30
2501.40
2501.50
2501.60
2501.70

- General Categories of Bard Records

AUTHORITY: Implementing Section 3(g) of the Freedom of Information Act [5 ILCS 140], and authorized by Section 5(c) of the Public Labor Relations Act [5 ILCS 115/15(3)].

SOURCE: Adopted at 9 Ill. Reg. 10067, effective June 17, 1995; amended at 12 Ill. Reg. 32704, effective December 8, 1998; amended at 20 Ill. Reg. 7384, effective MAY 10 1996.

Section 2501.10 General Categories of Board Records

- a) The Labor Relations Boards maintain the following general categories of records:
- 1) Case records, covering the processing and disposition of representation and unfair labor practice cases, strike investigations, and requests for declaratory rulings.
 - 2) Mediation Arbitration records, including the Boards' orders or mediators' arbitrators' requests for panels therefrom, and related records.
 - 3) Collective Bargaining Agreements filed with the Boards by employers under the Boards' jurisdiction.
 - 4) Minutes of Board meetings.
 - 5) Administrative, fiscal and personnel files, covering the Boards' internal business affairs.
 - 6) General correspondence.
 - 7) Legislative and administrative files, covering analyses of bills and proposed rules, comments received, and related records.
- b) Within these general categories, some records are readily available to the public for inspection, others are available upon notice or request to limitations, and some are deemed confidential and exempt from disclosure under any circumstances. The following Section 5501.20

ILLINOIS STATE LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

provides examples.

Source: Amended at 20 Ill. Reg. 7384; effective

Section 2501.20 Availability of Certain Records

- a) The following records maintained by the Labor Relations Boards are readily available for public inspection, meaning they are subject to disclosure and copies are maintained in such a fashion as to ordinarily be accessible for inspection on short notice:
- 1) Dockets of cases filed with the Boards.
 - 2) Pending representation petitions ~~Representation--Petitions~~ (including for certification, decertification, and modification).
 - 3) Current certifications of exclusive bargaining representatives and certifications of results.
 - 4) Decisions rendered by administrative law judges hearing ~~officers~~ and the Boards.
 - 5) The Illinois Public Employee Mediation Arbitration Roster, including vitae of roster members.
 - 6) Declaratory Rulings rendered by the General Counsels.
 - 7) Minutes of Board meetings, exclusive of closed sessions.
 - 8) Freedom of Information Requests and the records showing their dispositions.
- b) The following records are deemed accessible for public inspection, but may not be available on short notice; advance arrangements should be made:
- 1) Hearing records ~~Records~~, including transcripts, briefs filed to ~~administrative law judges~~ ~~hearings--offices~~ and exceptions and briefs filed with the Boards and other record materials from Board-conducted hearings on both representation and unfair labor practice cases.
 - 2) Mediation/Arbitration records, including requests to the Boards for the appointment of mediators, fact-finders and arbitrators, the Boards' responses to such requests, and the reports filed with the Boards by fact-finders and interest arbitrators.
 - 3) Strike Investigation records, encompassing petitions for strike investigations and the records developed by the Boards in such cases.
 - 4) Rulemaking files, covering the Boards' proposal, review and adoption of regulations.
 - 5) Collective Bargaining Agreements ~~Bargaining--Agreements~~ filed with the Boards or covered employees.
- c) The following records are regarded as confidential and exempt from disclosure under all circumstances:
- 1) Showings of interest ~~interest~~ submitted to the Boards in

ILLINOIS STATE LABOR RELATIONS BOARD	ILLINOIS STATE LABOR RELATIONS BOARD
ILLINOIS LOCAL LABOR RELATIONS BOARD	ILLINOIS LOCAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

conjunction with petitions in representation cases, and materials generated by the Boards' investigations of such showings.

- 2) Investigation files Files in unfair labor practice cases.
- 3) Marked ballots and voting lists and other records potentially identifying voters (or non-voters) and the character of their votes in secret ballot elections conducted by the Boards.
- 4) Internal personnel files Personnel---Files regarding Board employees.
- 5) Preliminary drafts, notes, recommendations and memoranda by Board members or Board personnel in which opinions are expressed or policies or actions proposed or formulated.
- 6) Investigation files in objections to elections.
- 7) Drafts, notes, recommendations, memoranda and other materials relating to litigation involving the Boards.

- d) Other records maintained by the Boards shall be available for public inspection to the extent mandated by the Freedom of Information Act 5 USC 101 111-Rev-Stat-1987, ch-116, para-231-c-1-3-4-5-6-7, pursuant to the procedures specified in Section 2501.20 of this Part.

7384

(Source: Amended at 20 Ill. Reg. 1001, effective MAY 10 1996)

Section 2501.30 Requests for Access to Records

- a) Requests under the Freedom of Information Act for access to public records of the Local Labor Relations Board shall be submitted to the Board Clerk, Local Labor Relations Board, 160 North LaSalle Street, Suite S-400, Chicago, Illinois 60601-3103. ~~Att-Noted-Sent-1-1987~~ ~~Site-Per-Chicago-1-1986~~. Each request submitted by mail should be enclosed in an envelope clearly marked "FOIA REQUEST".
- b) Requests under the Freedom of Information Act for access to public records of the State Labor Relations Board shall be submitted to the Board Clerk, at either 320 West Washington Street, Suite 500, Springfield, Illinois 62701 or 160 North LaSalle Street, Suite S-400, Chicago, Illinois 60601-3103. ~~Att-Noted-Sent-1-1987~~ ~~Site-Per-Chicago-1-1986~~. Each request submitted by mail should be enclosed in an envelope clearly marked "FOIA REQUEST".
- c) Forms for making FOIA requests are available from the Board Clerks of the respective Boards. Each request must be in writing and include the requester's full name, address and telephone number; a clear description of the records sought; and a statement whether the request is for inspection of the documents, or for copying of them, or both. Oral requests for access to records will be entertained, but will not trigger the required response times and appeal rights set forth in this Part.

7384

(Source: Amended at 20 Ill. Reg., effective

ILLINOIS STATE LABOR RELATIONS BOARD
ILLINOIS LOCAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

MAY 10 1996

Section 2501.40 Board's Response to Request

- a) The appropriate Labor Relations Board to which a written request for access to records has been made under Section 2501.30 of this Part will respond to the request within 7 working days after its receipt unless, within that period, the Board notifies the requester that it will require an extension of up to 7 additional working days. A notice of such an extension shall state the reasons why the extension is needed.
- b) If the Board, through its staff, approves a request for public records, it will notify the requester when the records will be made available for inspection. If the request is for copies of records, the copies shall be provided after the requester has tendered payment in full to the appropriate Board for the applicable copying fees specified in Section 2501.7 of this Part.
- c) If the Board, through its staff, denies in whole or in part a written request for records, notice of the denial shall be given in writing stating the reasons therefor. The notice shall also identify by name and title the staff person(s) responsible for the denial, and shall advise the requester that the denial may be appealed to the Board. If the denial goes to only a portion of the requested records, the notice shall address how and when the request will otherwise be granted. A categorical request for records which is unduly burdensome to the Board will be denied only after affording the requester an opportunity to confer and to narrow the request to manageable proportions.
- d) The appropriate Board's failure to respond to a request within the period of time prescribed in Section 2501.40(a) of this Part may be treated by the requester as a denial of the request.

7384

(Source: **APR 10 1956** 20 **ILL.** Reg. _____, effective _____)

Section 2501.50 Appeal of Denial of Access

- a) A person whose written request for public records has been denied by the staff of either Labor Relations Board may appeal the denial to that Board. The appeal must be in writing and must include a copy of the original request, a copy of the denial (if any), and a statement of the reasons why the denial should be overturned.
- b) An appeal to the Local Labor Relations Board shall be addressed to it at 160 North Cassale Street, Suite 300, Chicago, Illinois 60601-1103.
- It is the policy of the State to encourage the use of the Labor Relations Board as a clearly designated: "ATTN: FOIA APPEAL". An appeal to the State Labor Relations Board shall be addressed to it at either 320 West Washington, Suite 400, Springfield, Illinois 62701 or 160 North

Source:	Amended at	20	Ill.	Req.
(Source: Amended at 20 Ill. Req.				

ILLINOIS STATE LABOR RELATIONS BOARD
ILLINOIS LOCAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

LaSalle Street, Suite S-400, Chicago, Illinois 60601-3103 ~~111--North
Canal--Street--Suite--9437--Chicago--Illinois--60606~~, and shall be clearly
designated: "ATTN: FOIA APPEAL".

- c) The Board shall determine a requester's appeal within 7 working days after its receipt. If the Board grants the appeal, a written notice to that effect shall inform the requester how and when the records will be made available. If the Board denies the appeal, in whole or in part, a written notice shall inform the requester that judicial review of the denial is available under Section 11 of the Freedom of Information Act [5 ILCS 140.11] ~~111--Rev--Stat--1987--Ch--116--Part 211~~.

- d) The Board's failure to determine an appeal within 7 working days after its receipt may be treated by the requester as a denial of the appeal.

(Source: Amended at 20 Ill. Reg. **7384**, effective
MAY 10 1996)

Section 2501.60 Place and Time of Inspection

- a) Public records maintained by the Local Labor Relations Board will be made available for inspection pursuant to this Part at the Board's office at 160 North LaSalle Street, Suite S-400, Chicago, Illinois 60601-3103 ~~111--North--Canal--Street--Suite--9437--Chicago--Illinois--60606~~, during regular office hours (8:30 a.m. to 5:00 p.m.), on days other than Saturdays, Sundays and official State holidays.

- b) Public records maintained by the State Labor Relations Board will be made available for inspection pursuant to this Part at the Board's offices at either 320 West Washington Street, Suite 500, Springfield, Illinois 62701 or 150 North LaSalle Street, Suite S-400, Chicago, Illinois 60601-3103 ~~111--North--Canal--Street--Suite--9437--Chicago--Illinois--60606~~, during regular office hours (8:30 a.m. to 5:00 p.m.), on days other than Saturdays, Sundays and official State holidays. The Board will determine at which office the records will be made available.

(Source: Amended at 20 Ill. Reg. **7384**, effective
MAY 10 1996)

ILLINOIS STATE LABOR RELATIONS BOARD
ILLINOIS LOCAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: General Procedures
- 2) Code Citation: 80 Ill. Adm. Code 1200
- 3) Section Numbers: Adopted Action:
1200.30 Amendment
1200.60 Amendment
- 4) Statutory Authority: Illinois Public Labor Relations Act, 5 ILCS 315 (1994)
- 5) Effective Date of Rulemaking: May 10, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 24, 1996
- 9) Notice of Proposal Published in Illinois Register: January 12, 1996, 20 Ill. Reg. 663
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendments to this Part were made in order to clearly articulate the authority of administrative law judges, to provide a uniform procedure for requesting postponements. The rest of the amendments make technical and grammatical corrections. This rulemaking clarifies existing regulations concerning the length of briefs and the requirements necessary for a party to receive a continuance.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Lydia Mills Wendt
Deputy General Counsel
Illinois State Labor Relations Board
320 West Washington St., Suite 500

ILLINOIS STATE LABOR RELATIONS BOARD
ILLINOIS LOCAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

Springfield, IL 62701
(217)785-3155
FAX: (217)785-4146

The full text of the Adopted Amendment begins on the next page:

ILLINOIS STATE LABOR RELATIONS BOARD
ILLINOIS LOCAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE C: LABOR RELATIONS

CHAPTER IV: ILLINOIS STATE LABOR RELATIONS BOARD/

ILLINOIS LOCAL LABOR RELATIONS BOARD

PART 1200

GENERAL PROCEDURES

Section	
1200.10	Definitions
1200.20	Filing and Service of Documents
1200.30	Computation and Extensions of Time
1200.40	Authority of Administrative Law Judges
1200.50	Recording of Hearings
1200.60	Oral Argument and Briefs
1200.70	Representation of Parties
1200.80	Ex Parte Communications
1200.90	Subpoenas
1200.100	Transfer of Jurisdiction
1200.105	Consolidation of Proceedings
1200.110	Amicus Curiae Briefs
1200.120	Voluntary Settlement or Adjustment of Disputes
1200.130	Rules of Evidence
1200.140	Declaratory Rulings
1200.150	Conflicts of Interest
1200.160	Variances and Suspensions of Rules

AUTHORITY: Implementing and authorized by the Illinois Public Labor Relations Act [5 ILCS 315].

SOURCE: Emergency rule adopted at 8 Ill. Reg. 17314, effective September 11, 1984, for a maximum of 150 days; adopted at 9 Ill. Reg. 1346, effective January 25, 1985; amended at 11 Ill. Reg. 6428, effective March 27, 1987; amended at 12 Ill. Reg. 20096, effective November 18, 1988; amended at 14 Ill. Reg. 13936, effective November 30, 1990; amended at 17 Ill. Reg. 15399, effective September 13, 1993; amended at 20 Ill. Reg. 13991, effective MAY 10 1996.

Section 1200.30 Computation and Extensions of Time

- a) In computing any period of time prescribed by the Act or this Part, the day of the act, event, or default after which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included. If the last day falls on a Saturday, Sunday, or legal holiday, the time period shall be automatically extended to the next day that is not a Saturday, Sunday or legal holiday.

ILLINOIS STATE LABOR RELATIONS BOARD
ILLINOIS LOCAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- b) When a time period prescribed under the Act or these rules is less than seven days, intervening Saturdays, Sundays, or legal holidays shall not be included.
- c) Service of a document upon a party by mail shall be presumed complete three days after mailing, if proof of service shows the document was properly addressed. This presumption may be overcome by the addressee, with evidence establishing that the document was not delivered or was delivered at a later date. A party's failure to accept or claim a document served by mail shall not be grounds for overcoming the presumption.
- d) Requests for postponements of hearings, investigations or conferences scheduled by the Board or its agents or extensions for the filing of briefs, exceptions or responses must be made prior to the then existing deadlines and will not be granted unless good and sufficient cause is shown and the following requirements are met:
- 1) the requests must be in writing directed to the investigator, administrative law judge, Executive Director or General Counsel responsible for the proceeding;
 - 2) the grounds for the request must be set forth in detail;
 - 3) the requesting party must specify alternate days for scheduling the hearing or conference or for the due date of any documents;
 - 4) the position of all parties concerning both the postponement or extension requested and proposed alternate dates must be ascertained in advance by the requesting party and set forth in the request;
 - 5) for purposes of this Section, good and sufficient cause may include a showing to the satisfaction of the Board or its agents that a postponement or extension will result in settlement of the case;
 - 6) except for good cause shown, no request for postponement will be granted on any of the three days immediately preceding the date of a hearing, investigation or conference. All continuances must be to a date and time certain; in no event shall an indefinite continuance be granted.

(Source: Amended at 20 Ill. Reg. 7391, effective MAY 10 1996.)

Section 1200.60 Oral Argument and Briefs

A party is entitled upon request to a reasonable period of time at the close of the hearing for oral argument, which shall be made part of the record. A party is entitled, upon request made before the close of the hearing, to file a brief with the administrative law judge, who may fix a reasonable time for the filing based upon the nature of the proceedings and the particular issues. The Board or the administrative law judge shall direct the filing of briefs when the filing is, in the opinion of the Board or administrative law judge, warranted

ILLINOIS STATE LABOR RELATIONS BOARD
ILLINOIS LOCAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

by the nature of the proceedings or the particular issues involved. All briefs, whether filed with the Board or an administrative law judge, unless prior approval has been granted by the General Counsel or the administrative law judge, shall be no more than 50 double-spaced pages with margins of at least 1 1/2 inch, including attachments. ~~Briefs longer than 50 pages will not be accepted unless prior approval has been granted by the administrative law judge or the General Counsel.~~ All of the pages in excess of the 50 page limit will be rejected. Such approval will only be granted in extraordinary circumstances (e.g., in cases involving extremely complex issues, in cases involving factual or legal issues of first impression, or in cases involving a lengthy factual record).

(Source: Amended at 20 Ill. Reg. 7391, effective MAY 10 1996.)

ILLINOIS STATE LABOR RELATIONS BOARD
ILLINOIS LOCAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Public Information, Rulemaking and Organization
- 2) Code Citation: 2 Ill. Adm. Code 2500
- 3) Section Numbers:

2500.10	Amendment	Adopted Action:
2500.20	Amendment	
2500.110	Amendment	
2500.120	Amendment	
2500.210	Amendment	
2500.220	Amendment	
2500.APPENDIX A	Amendment	
2500.APPENDIX B	Repealed	
- 4) Statutory Authority: Illinois Public Labor Relations Act, 5 ILCS 315 (1994)
- 5) Effective Date of Rulemaking: May 10, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 24, 1996
- 9) Notice of Proposal Published in Illinois Register: January 12, 1996, 20 Ill. Reg. 674
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking updates the Boards' addresses, statutory references and organization. Additionally, this rulemaking reflects the combination of the Boards' staffs. The other proposed changes to this rule make technical corrections such as statutory citations and changing hearing officer to administrative law judge.
- 16) Information and questions regarding these adopted amendments shall be directed to:

ILLINOIS STATE LABOR RELATIONS BOARD
ILLINOIS LOCAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

Lydia Mills Wendt
Deputy General Counsel
Illinois State Labor Relations Board
320 West Washington St., Suite 500
Springfield, IL 62701
(217) 785-3155
FAX: (217) 785-4146

The full text of the Adopted Amendment begins on the next page:

ILLINOIS STATE LABOR RELATIONS BOARD
ILLINOIS LOCAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER XII: ILLINOIS STATE LABOR RELATIONS BOARD/
ILLINOIS LOCAL LABOR RELATIONS BOARD

PART 2500

PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

SUBPART A: PUBLIC INFORMATION

Section
2500.10 General Information
2500.20 Procedural Information
2500.30 Access to Board Materials

SUBPART B: RULEMAKING

Section
2500.110 Procedure
2500.120 Petition for Rulemaking

SUBPART C: ORGANIZATION

Section
2500.210 Composition of the Board
2500.220 Staff Structures
APPENDIX A State and Local Boards Organizational Board-Organization Chart
APPENDIX B State Board Organization Chart (Repealed)

AUTHORITY: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 5(j) of the Public Labor Relations Act [5 ILCS 315/5].

SOURCE: Adopted at 9 Ill. Reg. 10077, effective June 17, 1985; amended at 12 Ill. Reg. 22210, effective December 8, 1988; corrected at 13 Ill. Reg. 2883; amended at 20 Ill. Reg. **7396**, effective MAY 10 1996.

SUBPART A: PUBLIC INFORMATION

Section 2500.10 General Information

- a) The Local Labor Relations Board has jurisdiction over collective bargaining matters between employee organizations and units of local government with a population in excess of 1 million persons, but excluding the Regional Transportation Authority. [5 ILCS 315/5(b)] of labor-relations-matters-involving-public-employees-and-units-of-local government--covering-non-educational-populations--in-excess-of-one

ILLINOIS STATE LABOR RELATIONS BOARD
ILLINOIS LOCAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

million-persons. Such units include the County of Cook, the City of Chicago, the Chicago Transit Authority, the Metropolitan Sanitary District of Greater Chicago, the Chicago Housing Authority and the Chicago Park District. The Local Board maintains an office at 160 North LaSalle Street, Suite S-400, Chicago, Illinois 60601-3103. ~~North-Cenai-Street-Suite-9407-Chicago-Illinois-60606. Its telephone number is (312)793-6400. General information regarding the Local Board and its activities may be obtained by writing or telephoning the Board. Information regarding the Board's docket of pending cases and their status may be obtained by contacting the Board Clerk at the same address and telephone number.~~

- b) The State Labor Relations Board has jurisdiction over collective bargaining matters between employee organizations and public employers as defined in Section 3(o) of the Act and the Regional Transcription Authority [5 ILCS 315/5(a)] except for units of local government in excess of 1 million persons and school districts ~~of--local-government-matters--involving--public-employees--and--units--of--local-government--covering-populations--of--less-than-one-million-persons. It maintains offices at 320 West Washington Street, Suite 500, Springfield, Illinois 62701 and 160 North LaSalle Street, Suite S-400, Chicago, Illinois 60601-3103. ~~its--North-Cenai-Street-Suite-9407-Chicago-Illinois-60601-3103. Its telephone numbers are (217)785-3155 and (312)793-6400. General information regarding the State Board and its activities may be obtained by writing or telephoning the Board Clerk at either office. Information regarding the Board's docket of pending cases and their status may be obtained by writing or telephoning the Board clerk at either office.~~~~

(Source: Amended at 20 Ill. Reg. **7396**, effective MAY 10 1996)

Section 2500.20 Procedural Information

Information on the procedures followed by the Illinois State and Local Labor Relations Boards (Labor Relations Boards) in discharging their statutory responsibilities is set forth in detail in the Boards' various procedural rules. Those rules are promulgated jointly by both Boards and cover the following subjects: General Procedures (including meeting procedures), 80 Ill. Adm. Code 1200; Representation Proceedings (including representation proceedings), 80 Ill. Adm. Code 1210; Unfair Labor Practice Proceedings, 80 Ill. Adm. Code 1220; and Impasse Procedures (governing mediation and arbitration of disputes), 80 Ill. Adm. Code 1230.

(Source: ~~Amended~~ **7396**, effective MAY 10 1996)

ILLINOIS STATE LABOR RELATIONS BOARD
ILLINOIS LOCAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART B: RULEMAKING

Section 2500.110 Procedure

Proposed additions, amendments or repeals to the rules of the Labor Relations Boards must be undertaken jointly by the Boards. The Boards follow the rulemaking procedures prescribed under the Illinois Administrative Procedure Act [5 ILCS 100] (1991 Rev. Ch. 127, par. 1-1 et seq.).

(Source: Amended at 20 Ill. Reg. 7396, effective MAY 10 1996)

Section 2500.120 Petition for Rulemaking

Any person may request that the Labor Relations Boards jointly promulgate, amend or repeal a rule by submitting a written petition of such effort to the Executive Director or General Counsel ~~Chairman~~ of the Boards. The petition must be typewritten on standard letter-size paper, shall set forth in particular the rulemaking action desired, and shall contain the person's reasons in support of the request. A petition filed in accordance herewith will be considered by the Boards and the petitioner shall be notified in writing as to its disposition.

(Source: Amended at 20 Ill. Reg. 7396, effective MAY 10 1996)

SUBPART C: ORGANIZATION

Section 2500.210 Composition of the Board

- a) The Local Labor Relations Board is comprised of a Chairman and two Members. The Chairman is appointed by the Governor with the advice and consent of the Senate, and simultaneously serves as Chairman of the State Labor Relations Board with a term of four years. One of the Local Board Members is appointed by the Mayor of the City of Chicago with a term of four years and the other Member is appointed by the President of the Cook County Board of Commissioners with a term of four years.
- b) The State Labor Relations Board is comprised of a Chairman and two Members. All are appointed by the Governor with the advice and consent of the Senate; each is appointed for a term of four years; the Chairman simultaneously serves as Chairman of the Local Labor Relations Board.

(Source: Amended at 20 Ill. Reg. 7396, effective MAY 10 1996)

ILLINOIS STATE LABOR RELATIONS BOARD
ILLINOIS LOCAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 2500.220 Staff Structures

The Labor Relations Boards shall employ an Executive Director and a General Counsel who shall be responsible for the operations of the offices of the Boards. The staff ~~staffs~~ of the Labor Relations Boards ~~is~~ are organized chiefly into two divisions, as depicted in Appendix A ~~for the State Board and Appendix B for the Local Board~~. The Boards' ~~Executive Director is responsible for the Boards' administrative operations, and for supervising the Boards' investigators who conduct initial investigations of representation petitions and unfair labor practice charges filed with the Boards each Board~~. The Boards' ~~General Counsel is responsible for its legal affairs, for advising the Boards Board on legal matters, and for supervising the Boards' attorneys who serve as administrative law judges hearing officers in representation and unfair labor practice proceedings.~~

(Source: Amended at 20 Ill. Reg. 7396, effective MAY 10 1996)

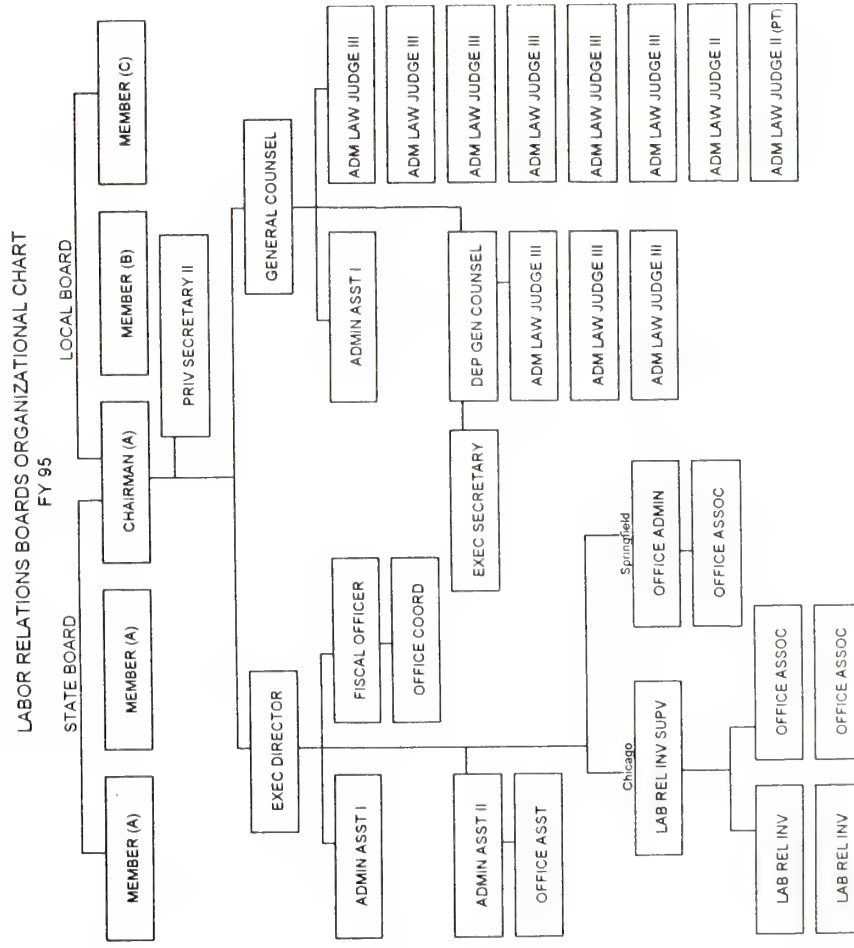
ILLINOIS STATE LABOR RELATIONS BOARD
ILLINOIS LOCAL LABOR RELATIONS BOARD

96

NOTICE OF ADOPTED AMENDMENTS

ILLINOIS STATE LABOR RELATIONS BOARD
ILLINOIS LOCAL LABOR RELATIONS BOARD

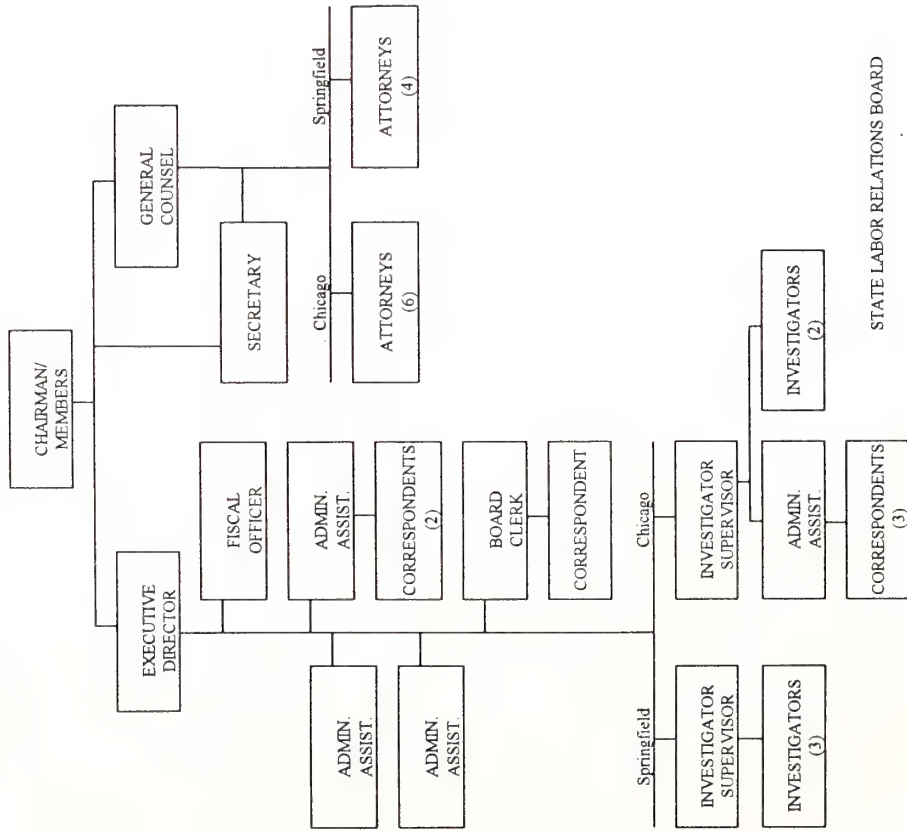
NOTICE OF ADOPTED AMENDMENTS

Section 2500.APPENDIX A State and Local Boards Organizational Board Organization
Chart(Source: Amended at 20 Ill. Reg. **7396** - , effective
MAY 10 1996)

ILLINOIS STATE LABOR RELATIONS BOARD
ILLINOIS LOCAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 2500.APPENDIX B State Board Organization Chart (Repealed)



STATE LABOR RELATIONS BOARD

ILLINOIS STATE LABOR RELATIONS BOARD
ILLINOIS LOCAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Repealed at 20 Ill. Reg. **7396**, effective
MAY 10 1996)

ILLINOIS STATE LABOR RELATIONS BOARD
ILLINOIS LOCAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Representation Proceedings
- 2) Code Citation: 80 Ill. Adm. Code 1210
- 3) Section Numbers: Adopted Action:
1210.100 Amendment
1210.170 Amendment
- 4) Statutory Authority: Illinois Public Labor Relations Act, 5 ILCS 315 (1994)
- 5) Effective Date of Rulemaking: May 10, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 24, 1996
- 9) Notice of Proposal Published in Illinois Register: January 12, 1996, 20 Ill. Reg. 684
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The changes to Section 1210.100 were made to clarify that either the Executive Director or an administrative law judge may dismiss a petition or order an election. Also, "Each party shall serve appeals of such Dismissals, Recommended Dismissals and Orders, on the other parties" was added to this Section. Any other changes were technical or grammatical.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Name: Lydia Mills Wendt
Address: Deputy General Counsel
Illinois State Labor Relations Board
320 West Washington Street, Suite 500

ILLINOIS STATE LABOR RELATIONS BOARD
ILLINOIS LOCAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

Springfield, IL 62701
Telephone: (217) 785-3155
Facsimile: (217) 785-4146

The full text of the Adopted Amendment begins on the next page:

ILLINOIS STATE LABOR RELATIONS BOARD
ILLINOIS LOCAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE C: LABOR RELATIONS

CHAPTER IV: ILLINOIS STATE LABOR RELATIONS BOARD/

ILLINOIS LOCAL LABOR RELATIONS BOARD

PART 1210

REPRESENTATION PROCEEDINGS

Section

- 1210.10 General Statement of Purpose
1210.20 Labor Organization Options in Seeking Recognition
1210.30 Employer Options in Responding to Recognition Requests
1210.40 Representation Petitions
1210.50 Intervention Petitions
1210.60 Decertification Petitions
1210.70 Timeliness of Petitions
1210.80 Showing of Interest
1210.90 Posting of Notice
1210.100 Processing of Petitions
1210.110 Consent Elections
1210.120 Bargaining Unit Determinations
1210.130 Eligibility of Voters
1210.140 Conduct of the Election
1210.150 Objections to the Election
1210.160 Voluntary Recognition Procedures
1210.170 Petitions for Amendment or Clarification of the Bargaining Unit
1210.180 Petitions to Amend Certification
1210.190 Expedited Elections Pursuant to Section 10(b)(7)(C) of the Act

AUTHORITY: Implementing Section 9 and authorized by Section 5(i) and (j) of the Illinois Public Labor Relations Act [5 ILCS 315/5(i) and (j) and 9].

SOURCE: Emergency rule adopted at 8 Ill. Reg. 16011, effective August 22, 1984, for a maximum of 150 days; adopted at 9 Ill. Reg. 1870, effective January 25, 1985; amended at 11 Ill. Reg. 6461, effective March 27, 1987; amended at 12 Ill. Reg. 20110, effective November 18, 1988; amended at 14 Ill. Reg. 19930, effective November 30, 1990; amended at 17 Ill. Reg. 19420 effective September 13, 1993; amended at 20 Ill. Reg. 19420 effective September 13, 1993.

MAY 10 1996

Section 1210.100 Processing of Petitions

- a) Within seven days after service of a petition, an employer shall file a list containing the full names of the employees in the proposed bargaining unit. In the event the employer does not supply the list within seven days, the Board shall administratively determine the adequacy of the showing of interest, based on the information provided

ILLINOIS STATE LABOR RELATIONS BOARD
ILLINOIS LOCAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

by the union.

- b) All employers ~~parties~~ served with a representation petition and all unions served with a ~~or~~ decertification petition shall file a ~~written~~ response to the petition. Any response filed shall set forth the party's position ~~positions--of the parties~~ with respect to the matters asserted in the petition, including, but not limited to, the appropriateness of the bargaining unit and, to the extent known, whether any employees sought by petitioner to be included in the unit are supervisory, managerial or confidential. If a party agrees to the appropriateness of the unit proposed in the petition, it shall so indicate. If a party disagrees with the unit proposed in the petition, it shall describe with particularity what it considers to be an appropriate unit, and shall include a description of the job titles and classifications of the employees to be included and of those to be excluded.
- c) The setting forth of a party's position with respect to the appropriate unit shall not be deemed to waive or otherwise preclude the right of that party to subsequently assert a different position with respect to what unit it considers to be appropriate.
- d) Petitions to intervene in the election may be filed with the Board no later than 15 days prior to the date of the election. However, any intervenor who files after the date set for hearing or, if no hearing is held, after the approval of a consent election agreement or the direction of an election, shall have waived objections to the bargaining unit.
- e) Upon receipt of the petition, the Board or its agent shall investigate the petition. If, for any reason during the investigation, the Board or its agent discovers that the petition may be inappropriate, the Board or its agent may issue an order to show cause requesting that the petitioner provide sufficient evidence to overcome the inappropriateness. Failure to provide sufficient evidence of the petitioner's appropriateness can result in the dismissal of the petition. Moreover, in conjunction with subsection (b) above, if, for any reason during the investigation, the Board or its agent discovers that the employer's objections to the representation petition or the union's objections to the decertification petition are insufficient in either law or fact, the Board or its agent may issue an order to show cause requesting that the employer or union provide sufficient evidence to support its defenses. Failure to provide sufficient evidence can result in the waiver of defenses.
- f) After the investigation, ~~the~~ the Executive Director shall dismiss a petition, or the administrative law judge shall recommend to the Board that a petition be dismissed, when a petition has been filed untimely; when the bargaining unit is clearly inappropriate; when the showing of interest is not adequate; when the employer is not covered by the Act; when the employees are not covered by the Act; and when for any other reason there is no reasonable cause to believe that a question of

ILLINOIS STATE LABOR RELATIONS BOARD
ILLINOIS LOCAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

representation exists. The parties shall be given 10 days after service of the Executive Director's Dismissal or the administrative law judge's Recommended Dismissal to appeal the dismissal ~~to the Board~~. If the investigation discloses that there is reasonable cause to believe that a question concerning representation exists the Board shall set the matter for hearing before an administrative law judge. All parties shall be given a minimum of 14 days notice of the hearing. If the only issues remaining between the parties after the investigation are logistical, e.g. the date of the election, the Executive Director or administrative law judge may issue an Order Directing an Election. The parties shall be given 10 days after service of the ~~Executive Director's~~ Order Directing an Election to appeal the Order to the Board. Each party shall serve appeals of such Dismissals, Recommended Dismissals and Orders on the other parties.

g) Interested persons, other than labor organizations, who may be necessary to the proceedings, who wish to intervene in the hearing shall direct such requests to the administrative law judge. The request shall be in writing and shall state the grounds for intervention. The administrative law judge shall have discretion to grant or deny the request for intervention. The decision shall be based upon the interests of the intervenor, whether those interests will be adequately protected by existing parties, and the timeliness of the intervenor's request.

h) The administrative law judge may schedule a prehearing conference or request statements of position when it appears to the administrative law judge that such would expedite the procedure.

i) The hearing shall be non-adversarial in nature. All parties may present evidence and make arguments, subject to the control of the administrative law judge.

j) Intermediate rulings of the administrative law judge shall not be subject to interlocutory appeal. Parties may raise objections to such intermediate rulings in their exceptions to the administrative law judge's recommended decision.

k) The administrative law judge shall inquire fully into all matters in dispute, and shall obtain a full and complete record. The administrative law judge shall file and serve on the parties a recommended disposition of the case as expeditiously as possible.

l) In the event the administrative law judge becomes unavailable to the Board during the proceeding, for reasons including but not limited to death or resignation, the general counsel or the general counsel's agent may designate another administrative law judge.

m) Exceptions

1) Parties may file exceptions to the administrative law judge's recommendation and briefs in support of those exceptions no later than 14 days after service of the recommendation. Parties may file responses to exceptions and briefs in support of the responses no later than 10 days after service of the exceptions.

ILLINOIS STATE LABOR RELATIONS BOARD
ILLINOIS LOCAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

Each party shall serve its exceptions, responses, and briefs on the other parties. Parties desiring oral argument before the Board shall request oral argument and provide the reasons for the requests in their exceptions or responses. The Board will grant or deny requests for oral argument depending upon the significance, complexity and novelty of the issues. If no exceptions have been filed within the 14-day period, the parties will be deemed to have waived their exceptions.

2) Requirements

A) Each exception

- i) shall set forth specifically the questions of procedure, fact, law, or policy to which exceptions are taken;
- ii) shall identify that part of the administrative law judge's recommended decision and order to which objection is made; and
- iii) shall state the grounds for the exceptions and shall include the citation of authorities unless set forth in a supporting brief.

B) Any exception to a ruling, finding, conclusion, or recommendation which is not specifically urged shall be deemed to have been waived. Any exception which fails to comply with the foregoing requirements may be disregarded.

3) Any brief in support of exceptions shall be confined to the subjects raised in the exceptions and shall contain, in the order indicated, the following:

A) A clear and concise statement of the case containing all that is material to the consideration of the questions presented.

B) A specification of the questions involved and to be argued.

C) The argument, presenting clearly the points of fact and law relied upon in support of the position taken on each question.

4) Briefs in support of responses to exceptions shall be limited to the questions raised in the exceptions and in the brief in support thereof. It shall present clearly the points of fact and law relied upon in support of the positions taken on each question.

n) The Board will review the administrative law judge's recommendation upon request by a party or on its own motion. The Board may adopt all, part, or none of the recommendation depending on the extent to which it is consistent with the record and the applicable law. If the Board determines that a question concerning representation exists, the Board shall direct the holding of an election on a date and at a time and place set by the Board. The Board shall direct the posting of a notice of election.

o) Within seven days following the Board's direction of an election,

ILLINOIS STATE LABOR RELATIONS BOARD
ILLINOIS LOCAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

the employer shall furnish the Board and the labor organizations with a list of the full names, alphabetized by last name, and addresses of the employees eligible to vote in the election. The lists shall be provided by personal delivery or certified mail. The employer shall obtain receipts verifying delivery.

- b) Where the Board orders an election in a unit different from the one petitioned for, the petitioner and intervenors, if any, shall have five days to submit a showing of interest in the new unit.

(Source: Amended at 20 Ill. Reg. **7406**, effective
MAY 10, 1996.)

Section 1210.170 Petitions for Amendment or Clarification of the Bargaining Unit

- a) An exclusive representative or an employer may file a petition to clarify or amend an existing bargaining unit. The petition shall be served on the other party by the Board. The petition shall be signed and shall contain the following:
 - 1) the name, address and telephone number of the employer;
 - 2) the name, address and telephone number of petitioner's representative;
 - 3) the name, address, telephone number and affiliation, if any, of the exclusive representative;
 - 4) a specific and detailed description of the existing bargaining unit including job titles and classifications; and
 - 5) the nature of the proposed amendment or clarification and the reasons therefor.
- b) Following the filing of a petition to amend or clarify an existing unit, the Board shall provide the employer with a notice which shall be posted on bulletin boards and other places where notices for employees in the bargaining unit are customarily posted. Notice shall remain posted for at least 20 days.
- c) The respondent may file an answer to the petition within 20 days following service of the petition.
- d) The Board or its agent shall investigate the petition and, if necessary, set it for hearing.
 - 1) Interested persons desiring to intervene in the hearing shall submit a written request to the administrative law judge. The administrative law judge shall have discretion to grant or deny intervention. The decision shall be based upon the interests of the intervenor, whether those interests will be adequately protected by existing parties, and the timeliness of the intervenor's request.
 - 2) The administrative law judge may schedule a prehearing conference or request prehearing briefs when it appears that such would expedite the procedure.

ILLINOIS STATE LABOR RELATIONS BOARD
ILLINOIS LOCAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- 3) The administrative law judge shall inquire into all matters in dispute and shall obtain a full and complete record. Following the close of the hearing, the administrative law judge shall file and serve upon the parties a recommended disposition of the matter.
- 4) **Exceptions**
 - A) Parties may file exceptions to the administrative law judge's recommendation and briefs in support of their exceptions no later than 14 days after service of the recommendation. Parties may file responses to exceptions and briefs in support of the responses, no later than 10 days after service of the exceptions. Each party shall serve its exceptions, responses and briefs on the other parties. Parties desiring oral argument before the Board shall request oral argument and provide the reasons for the requests in their exceptions or responses. The Board will grant or deny requests for oral argument depending upon the significance, complexity and novelty of the issues. If no exceptions have been filed within the 14-day period, the parties will be deemed to have waived their exceptions.
 - B) Each exception
 - i) shall set forth specifically the questions of procedure, fact, law, or policy to which exceptions are taken;
 - ii) shall identify that part of the administrative law judge's opinion or decision to which objection is made; and
 - iii) shall state the grounds for the exceptions and shall include the citation of authorities unless set forth in a supporting brief.
 - C) Any exception to ruling, finding, conclusion, or recommendation which is not specifically urged shall be deemed to have been waived. Any exception which fails to comply with the foregoing requirements may be disregarded.
 - D) Any brief in support of exceptions shall be confined to the scope of the exceptions and shall contain, in the order indicated, the following:
 - i) A clear and concise statement of the case containing all that is material to the consideration of the questions presented.
 - ii) A specification of the questions involved and to be argued.
 - iii) The argument, presenting clearly the points of fact and law relied upon in support of the position taken on each question.
 - E) Briefs in support of responses to exceptions shall be limited to the questions raised in the exceptions and in the

ILLINOIS STATE LABOR RELATIONS BOARD
ILLINOIS LOCAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

brief in support thereof. It shall present clearly the points of fact and law relied upon in support of the position taken on each question.

- 5) The Board will review the administrative law judge's recommendation upon request of a party or on its own motion. The Board may adopt all, part, or none of the recommendation.
- e) The parties may stipulate to an amendment or clarification of the bargaining unit. The stipulation shall be filed with the Board. A notice of the stipulation shall be posted on bulletin boards and at other places where notices for employees in the bargaining unit are customarily posted. The notice shall advise employees of the terms of the stipulation and direct persons objecting to the stipulation to file objections with the Board. The notice shall remain posted for at least 20 days. The employer shall take reasonable steps to insure that the notice is not removed or defaced during the posting period.
- f) During any posting period under this Section, interested parties may file objections with the Board. Objections shall be served on the employer and the exclusive representative prior to, or simultaneously with, their filing with the Board. If objections are not timely filed and/or properly served, the objections shall be deemed waived.
- g) Following the posting period, if no objections have been filed, the Board shall approve or disapprove the amendment or clarification depending upon whether the amendment or clarification is consistent with the Act. If objections have been filed, the Board shall proceed in accordance with Section 1210.170(d) of this Part.

(Source: Amended at 20 Ill. Reg. 7406, effective
MAY 10 1996.)

ILLINOIS LABOR RELATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Unfair Labor Practice Proceedings
- 2) Code Citation: 80 Ill. Adm. Code 1220
- 3) Section Numbers: Adopted Action:
1220.40 Amendment
- 4) Statutory Authority: Illinois Public Labor Relation Act, 5 ILCS 315 (1994)
- 5) Effective Date of Amendments: May 10, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 24, 1996
- 9) Notice of Proposal Published in Illinois Register: January 12, 1996, 20 Ill. Reg. 691
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule (amendment, repealer) currently in effect? No
- 14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This rulemaking clarifies the existing regulations concerning the timely filing of answer.

16) Information and questions regarding this adopted amendment shall be directed to:

Lydia Mills Wendt
Deputy General Counsel
Illinois State Labor Relations Board
320 West Washington Street, Suite 500
Springfield, IL 62701
(217) 758-3155

The full text of the Adopted Amendment begins on the next page:

ILLINOIS LABOR RELATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
 SUBTITLE C: LABOR RELATIONS
 CHAPTER IV: ILLINOIS STATE LABOR RELATIONS BOARD/
 ILLINOIS LOCAL LABOR RELATIONS BOARD

PART 1220

UNFAIR LABOR PRACTICE PROCEEDINGS

Section	
1220.10	General Statement of Purpose
1220.20	Filing of a Charge
1220.30	Appointment of Counsel
1220.40	Charge Processing and Investigation, Complaints and Responses
1220.50	Hearings
1220.60	Consideration by the Board
1220.70	Requests for Preliminary Relief
1220.80	Compliance Procedures
1220.90	Sanctions
1220.100	Unfair Labor Practice Charges Involving Fair Share Fees
TABLE A	"Adjusted Income" Standards for Appointment of Counsel in Unfair Labor Practice Cases

AUTHORITY: Implementing Sections 10 and 11 and authorized by Section 5(i) of the Illinois Public Labor Relations Act (5 ILCS 315/5(i)), 10, 11).

SOURCE: Emergency rule adopted at 8 Ill. Reg. 16043, effective August 22, 1984, for a maximum of 150 days; adopted at 9 Ill. Reg. 1898, effective January 25, 1985; amended at 11 Ill. Reg. 6481, effective March 27, 1987; amended at 12 Ill. Reg. 20122, effective November 18, 1988; amended at 14 Ill. Reg. 19959, effective November 30, 1990; amended at 17 Ill. Reg. 15628, effective September 13, 1993; amended at 20 Ill. Reg. 7416, effective MAY 10 1996.

Section 1220.40 Charge Processing and Investigation, Complaints and Responses

- a) Upon receipt of a charge, the Board or its Executive Director shall review the charge to determine whether the charge was filed in accordance with the Act. If the review reveals that the charge was not filed in accordance with the Act, the charge shall be summarily dismissed. Notice of dismissal shall state the reasons therefor, and be served upon the respondent and the charging party. If the charge is dismissed by the Executive Director of the Board, the charging party may appeal the dismissal to the Board. Notice of appeal and all supporting materials shall be filed with the General Counsel no later than 10 days after service of the notice of dismissal.
- b) The Board or its designated representative shall investigate the charge. The investigation may include an investigatory conference with the parties.

ILLINOIS LABOR RELATION

NOTICE OF ADOPTED AMENDMENTS

- 1) The charging party shall submit to the Board or its designated representative all evidence relevant to or in support of the charge. Such evidence may include documents and affidavits. Upon request by the Board or its designated representative, the respondent may submit a complete account of the facts, a statement of its position in respect to the allegations set forth in the charge and all relevant evidence in support of its position. Such evidence may include documents and affidavits.
- 2) If the investigation reveals that the charge involves an issue of law or fact ~~(Ill. Reg. 19917-chr-18-par-1611(a))~~ (5 ILCS 315/11(a)) sufficient to warrant a hearing, the Board or its designated representative shall issue a complaint for hearing. The complaint shall state the issues that warrant a hearing and shall be served on the respondent and the charging party.
- 3) If the investigation reveals that there is not an issue of law or fact sufficient to warrant a hearing, the Board or its Executive Director shall dismiss the charge. Notice of dismissal shall state the reasons therefor, and be served on the respondent and the charging party. If the charge is dismissed by the Executive Director of the Board, the charging party may appeal the dismissal to the Board. Notice of appeal and all supporting materials shall be filed with the General Counsel no later than 10 days after service of the notice of dismissal. Parties may file responses to the appeal and all materials in support of the responses no later than five days after service of the appeal.
- c) Whenever a complaint for hearing is issued, the respondent must file an answer within 15 days after service of the complaint.
 - 1) The answer shall include a specific admission, denial or explanation of each allegation or issue of the complaint or, if the respondent is without knowledge thereof, it shall so state and such statement shall operate as a denial. Admissions or denials may be made to all or part of an allegation but shall fairly meet the circumstances of the allegation.
 - 2) The answer shall also include a specific, detailed statement of any affirmative defenses including, but not limited to, allegations that the violation occurred more than six months before the charge was filed, that the Board lacks jurisdiction over the matter, or that the complaint fails to allege an unfair labor practice.
 - 3) Parties who fail to file timely answers shall be deemed to have admitted the material facts and legal conclusions alleged in the complaint ~~and to have waived their rights to a hearing~~. The failure to answer any allegation shall be deemed an admission of that allegation. Failure to file an answer shall be cause for the termination of the proceeding and the entry of an order of default. Filing of a motion will not stay the time for filing an answer.

ILLINOIS LABOR RELATION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 20 Ill. Reg. **7415**, effective
MAY 10 1996)

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Health and Safety
- 2) Code Citation: 56 Ill. Adm. Code 350
- 3) Section Numbers:
350.210
350.280
Adopted Action:
Amendment
Amendment
- 4) Statutory Authority: Implementing and authorized by the Safety Inspections and Education Act (820 ILCS 220) and the Health and Safety Act (820 ILCS 225).
- 5) Effective Date of the Amendment: May 10, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporation by reference? This rulemaking amends the Department rules by adopting the federal occupational safety and health rules as effective on July 1, 1995, and amended at 60 FR 36043; 60 FR 39254; 60 FR 41457; 60 FR 47022; 60 FR 50411; and 60 FR 52856, and does not include any later amendments or additions.
- 8) Date filed in the agency's principal office: May 1, 1996
- 9) Date Notice of Proposed Amendments was published in the Illinois Register: December 22, 1995, 19 Ill. Reg. 16758
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:
 - a) The statutory citations on the Notice page for the Health and Safety Act and the Safety Inspections and Education Act were corrected by deleting section references.
 - b) The Federal Register references on the Notice page are corrected by placing the volume number first, "FR" next, followed by page number.
 - c) The format of the response to # 13 concerning the regulatory agenda is corrected to read only "July 1995".
 - d) The main source note is corrected to reflect adoption of rulemaking at 17 Ill. Reg 1074 and 17 Ill. Reg. 7072.
 - e) The Ill. Rev. Stat. citation on line 89 is deleted.
 - f) The Federal Register citations on lines 72-73 have been corrected from "FR60:36043; FR60:39254; FR60:40457; FR60:47022; FR60:50411 and

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT(S)

FR 60/52856" to read "60 FR 36043; 60 FR 39254; 60 FR 40457; 60 FR 47022; 60 FR 50411; and 60 FR 52856".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? There was no agreement letter from JCAR on this rulemaking.

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment:

These rules are clarifications or modifications of existing standards that are not expected to have significant economic impact. They are summarized individually below by presenting data provided by Federal OSHA in the preambles to the rulemakings.

Occupational Exposure to Lead; Amendment to Final Rule: October 11, 1995 (60 FR 52856-52859) This rule establishes OSHA's determination that compliance is feasible in the brass and bronze ingot manufacturing industry. Table 1 is amended to reflect the lifting of a judicial stay of certain compliance dates affecting industry. Because we do not regulate private industry, this rule will have no impact.

Occupational Exposure to Asbestos; Correction to Final Rule: September 29, 1995 (60 FR 50411-50413) This rule adopts minor changes and clarifications of the Asbestos standard within the construction and shipyard industries. These are the same minor corrections and clarifications that were adopted for General Industry on June 29, 1995.

Logging Operations; Corrections and Technical Amendments: September 8, 1995 (60 FR 47022-47037) This rule corrects and amends the final rule published October 12, 1994. None of the changes are substantive. The impact is negligible.

Logging Operations; Partial Stay: August 9, 1995 (60 FR 40457-40458) This rule extended the partial stay of 12 provisions in the logging standard an additional 30 days, until September 8, 1995.

Safety Standards for Fall Protection in the Construction Industry; Notice: August 2, 1995 (60 FR 39254-39255) OSHA has withdrawn certain amendments to Subparts E and M of 29 CFR 1926 (construction standards) to clarify that the steel erection industry is not covered by recently enacted fall protection amendments found in Subpart M. The impact is negligible.

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT(S)

Occupational Exposure to Asbestos; Corrections: July 13, 1995 (60 FR 36043-36044) This document contains additional minor corrections supplementing those published June 29, 1995. There is no regulatory impact.

Occupational Exposure to Asbestos; Corrections: June 29, 1995 (60 FR 33973-34002) This rule corrects technical and typographical errors to the preamble and text of the Asbestos rule amendments issued August 10, 1994. The corrections and amendments are based on existing record, and do not change the existing rule in a significant way.

Occupational Exposure to Asbestos; Notice: June 28, 1995 (60 FR 33343-33345) OSHA extended the compliance dates for certain provisions of the amended asbestos standard until October 1, 1995.

Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment; Final Rules Correction: March 16, 1995 (60 FR 14218-14220) OSHA has issued clarification to the rules issued July 25, 1994. Revisions include clarifying the order of atmospheric testing before employees enter the confined space, work practices during installation of ventilation, confined space rescue and "hot work" operations, and correction of typographical errors. Regulatory impact will be minimal.

Occupational Exposure to Asbestos; Correction: March 1, 1995 (60 FR 11194) This notice makes minor corrections to the notice published February 21, 1995.

Occupational Exposure to Asbestos; Extension of Start Up Dates: February 21, 1995 (60 FR 9624-9626) This rule establishes compliance dates for certain amendments to the asbestos rule. Many of the amendments became effective February 21, 1995, others were extended to July 10, 1995. There is no regulatory impact to this rule.

Logging Operations; Notice of Stay of Enforcement: February 8, 1995 (60 FR 7447-7449) This notice stays enforcement of certain provisions of 29 CFR 1910.266 until August 9, 1995. Provisions included foot protection, face protection, first aid kit requirements, certain work practices, and machinery safety features. There is no regulatory impact.

Safety Standards for Fall Protection in the Construction Industry; Delay of Effective Date: January 26, 1995 (60 FR 5131-5133) This rule delayed applicability to the non-building steel erection industry, and delayed applicability of certain provisions for all sectors until August 6, 1995. There is no regulatory impact to this rule.

Hazard Communication; Correction: December 22, 1994 (59 FR 65947-65948) OSHA is clarifying language in the HCS that exempts materials covered by the Comprehensive Environmental Response, Compensation, and Liability Act

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT(S)

(CERCLA). The correction states that this exemption applies only under circumstances that are fully regulated by EPA, making the program duplicative. There are two other minor corrections included in the notice. Regulatory impact is negligible.

Permit-Required Confined Spaces: Technical Amendment to the Preamble: November 4, 1994 (59 FR 55208-55209) This rule clarifies OSHA's position on restricted means of ingress and egress from confined spaces. There is no regulatory impact to this rulemaking.

In addition to the adoption of OSHA amendments, the Division is clarifying the fatality reporting requirements by stating that all fatal occupational "incidences", rather than "accidents" shall be reported. This wording is to clarify that the Division expects to be notified of all employee deaths that occur at the work site or in the course of employment.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Lenore Killam
Illinois Department of Labor
#1 West Old State Capitol Plaza, Rm. 300
Springfield, IL 62701
(217) 782-9386

The full text of the Adopted Amendment begins on the next page.

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER I: DEPARTMENT OF LABOR
SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 350
HEALTH AND SAFETY

SUBPART A: INSPECTIONS AND CITATIONS

Section	Purpose and Scope
350.10	Purpose and Scope
350.20	Definitions
350.30	Posting of Notice
350.40	Availability of Rules and Standards
350.50	Inspection Authority
350.60	Advance Notice of Inspection
350.70	Conduct of Inspections
350.80	Closing Conferences
350.90	Representatives of Employers and Employees
350.100	Objections During Inspection
350.110	Trade Secrets or Confidential Information
350.120	Consultation with Employees
350.130	Complaints by Employees
350.140	Imminent Danger
350.150	Citations
350.160	Posting of Citations
350.170	Appeal of Citation
350.180	Appeal of Abatement Period
350.190	Petition for Variance from Standards
350.195	Hearings
350.200	Advisory Inspections

SUBPART B: RECORDS OF INJURIES AND ILLNESSES

Section	Emergency Notification
350.210	Emergency Notification
350.220	Recordable Injuries and Illnesses
350.230	Log of Injuries and Illnesses
350.240	Supplementary Record of Injuries and Illnesses
350.250	Annual Summary
350.260	Retention of Records
350.270	Access to Records

SUBPART C: FEDERAL STANDARDS

Section	Adoption of Federal Standards
350.280	Adoption of Federal Standards

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT(S)

AUTHORITY: Implementing and authorized by the Safety Inspection and Education Act [820 ILCS 220] and the Health and Safety Act [820 ILCS 225].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 17004, effective October 17, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 8765, effective May 14, 1986; amended at 11 Ill. Reg. 2798, effective January 28, 1987; amended at 12 Ill. Reg. 17086, effective October 11, 1988; amended at 16 Ill. Reg. 8518, effective May 26, 1992; amended at 17 Ill. Reg. 1074, effective January 19, 1993; emergency amendment at 17 Ill. Reg. 7072, effective April 27, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 14724, effective September 15, 1994; amended at 19 Ill. Reg. 11923, effective August 7, 1995; amended at 20 Ill. Reg. 7419, effective MAY 10 1996.

SUBPART B: RECORDS OF INJURIES AND ILLNESSES

Section 350.210 Emergency Notification

After the occurrence of an employment incident accident which is fatal to one or more employees or which results in hospitalization of three or more employees, the employer shall report the incident accident to the department as soon as physically possible. The notification shall be made within eight (8) hours after the incident accident or death. The employer shall notify the department orally or in writing by telephone or telegraph. The notification shall relate the circumstances of the incident accident, the number of fatalities, the number of employees hospitalized, and the extent of the injuries.

(Source: Amended MAY 10 1996 at 20 Ill. Reg. 7419, effective MAY 10 1996)

SUBPART C: FEDERAL STANDARDS

Section 350.280 Adoption of Federal Standards

a) Pursuant to Section 4 of the Health and Safety Act, the Department hereby adopts by reference the general health and safety standards and special maritime and construction industry standards adopted by the federal Occupational Safety and Health Administration as effective on July 1, 1995 and amended at 60 FR 36043; 60 FR 39254; 60 FR 40457; 60 FR 47022; 60 FR 50411 and 60 FR 52856 effective on July 17, 1994 and amended at: FR 59-t439-t40460; FR 59-t41-t4467; FR 59-t297-t43087; FR 59-t277-t61266; FR 59-t59-t459397; FR 59-t63-t455347; FR 59-t667-t63347; FR 59-t71-t47497; FR 59-t367-t26147; FR 59-t257-t336587; FR 59-t287-t339137; FR 59-t1287-t345897; FR 59-t137-t36957; FR 59-t44-t378167; FR 59-t1527-t406727; FR 59-t153-t40647; FR 59-t161-t43260; FR 59-t1967-t516727; FR 59-t2197-t85299. These standards are located at 29 CFR 1910, 1915, and 1926 and do not include any later amendments or editions.

b) The Department shall consider any subsequent amendments to the health

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT(S)

and safety standards adopted by the federal Occupational Safety and Health Administration. Such amendments will be adopted by reference, or substitute provisions which provide equivalent protection, will be adopted. Amendments will be adopted through filing with the Secretary of State and publication in the Illinois Register as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

c) The Department hereby adopts as a rule of the Department, through incorporation by reference, 29 CFR Part 1910.1030, Occupational Exposure to Bloodborne Pathogens (1991, no later amendments or editions). The dates listed in paragraph (i) of 29 CFR Part 1910.1030 are not applicable to Illinois public sector employers. The effective date (paragraph (i)(1) of the adopted standard) for the Illinois public sector shall be the effective date of this amendment, as published in the Illinois Register. The compliance date for paragraph (i)(2) of the adopted standard shall be 30 days after the effective date, the date for paragraph (i)(3) shall be 60 days after the effective date, and the date for paragraph (i)(4) shall be 90 days after the effective date.

d) The effective dates for 29 CFR 1910.119(e)(1)(i), (ii), (iii), and (iv), which establish timelines for hazard analyses for hazardous materials, are one, two, three, and four years, respectively, after August 1, 1994.

(Source: Amended at 20 Ill. Reg. 7419, effective MAY 10 1996)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Developmental Disabilities Service

2) Code Citation: 89 Ill. Adm. Code 144

3) Section Numbers:
144.100
Emergency Action:
Repeal; New Section

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Effective Date of Amendments: May 24, 1996

6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable

7) Date Filed in Agency's Principal Office: May 24, 1996

8) Reason for Emergency: These emergency amendments are necessary to allow for exceptional care payments to long term care facilities designated ICF/MR(SNF/Ped) for children who have high medical needs. Exceptional care payments will be made for a level of care which has been determined to be medically necessary but more costly than the usual skilled nursing rate for children in SNF/Ped facilities. The need for safe and appropriate placements of children with high medical needs into long term care facilities has arisen because of changes in recent years regarding what constitutes acute care in hospital environments. Until recently, children with certain medical needs were retained for longer periods under hospital care, but current hospital policies require earlier discharge, often while the patient still needs care above that allowed under long term care facility reimbursements. Immediate implementation of these amendments will ensure that children who no longer require hospital level acute care will have access to necessary health services in ICF/MR(SNF/Ped) facilities.

9) Complete Description of the Subjects and Issues Involved: These emergency amendments allow the Department of Mental Health and Developmental Disabilities (DMHDD) to make exceptional care payments to long term care facilities designated ICF/MR(SNF/Ped license) for clients with high medical needs. Responsibility for the ICF/MR program rests with DMHDD under the authority of Public Act 87-996. ICF/MR facilities with a license for skilled nursing care for children serve clients with developmental disabilities who are under the age of 21 at the time of admission to the facility. Exceptional care payments will be made for a level of care which has been determined to be medically necessary and which results in exceptional costs on the basis of nursing services, therapy services, and medical equipment and supplies. Rates will be recommended by DMHDD and approved by the Department. These rates will be greater than that SNF/Ped rate of approximately \$137 per resident day, but

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

will be considerably less than the probable hospital rate for comparable services, of \$1,000 day. The exceptional care program for ICF/MR(SNF/Ped) facilities will allow children with high medical needs to receive necessary care outside of more costly hospital environments.

These emergency amendments are expected to result in an increase in expenditures for DMHDD during fiscal year 1996 of approximately \$2 million, and during fiscal year 1997 of approximately \$4 million.

10) Are there any Proposed Amendments pending to this Part? Yes

Sections	Proposed Action	Illinois Register Citation
144.25	New Section	March 22, 1996 (20 Ill. Reg. 4526)
144.50	Repeal; New Section	April 12, 1996 (20 Ill. Reg. 5434)
144.300	Amendment	March 8, 1996 (20 Ill. Reg. 4035)

11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.

12) Information and questions regarding these Emergency Amendments shall be directed to:

Name: Joanne Jones
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-0081

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 144

DEVELOPMENTAL DISABILITIES SERVICES

Section

144.1 Incorporation By Reference
144.5 Determination of Program (Active Treatment) Costs
144.25 Active Treatment Service Requirements in Residential Facilities for Individuals with Developmental Disabilities (Repealed)
144.50 Inspection of Care (IOC) Review Criteria for the Evaluation of Active Treatment Services in Residential Facilities for Individuals with Developmental Disabilities (Repealed)

144.75 Comprehensive Functional Assessments and Reassessments (Repealed)
144.100 Exceptional Care Needs of Clients with Developmental Disabilities

EMERGENCY INTERDISCIPLINARY TEAM (IDT) (Repealed)

144.105 Individual Program Plan (IPP) (Repealed)
144.125 Specialized Care - Behavior Development Programs
144.150 Specialized Care - Health and Sensory Disabilities
144.175 Functional Needs

144.200 Service Needs - Medical Care (Repealed)
144.205 Service Needs - Medical and Therapy Services (Repealed)

144.225 Individual Rights (Repealed)

144.230 Reconciliation of Resident Funds

144.250 Discharge Planning/Maximum Growth Potential Plan (Repealed)

144.275 Reimbursement for Program (Active Treatment) Costs in Residential Facilities for Clients with Developmental Disabilities

144.300 Reimbursement for Program (Active Treatment) Costs in Small Scale Residential Facilities

144.325 Capital Rate Calculation

TABLE A Overview of Staff Intensity Scale of Maladaptive Behaviors

TABLE B Staff Intensity Scale

TABLE C IPP Outcomes (Repealed)

TABLE D Guidelines for Determining Levels of Functioning

TABLE E Standardized Adaptive Functional Assessment

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 14 Ill. Reg. 4166, effective March 9, 1990; Section 144.275 reclassified from 89 Ill. Adm. Code 146.225 at 14 Ill. Reg. 7651; amended at 14 Ill. Reg. 17988, effective October 29, 1990; amended at 15 Ill. Reg. 14084, effective September 24, 1991; emergency amendment at 15 Ill. Reg. 16148, effective October 22, 1991, for a maximum of 150 days; amended at 16 Ill. Reg.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

3497, effective February 28, 1992; amended at 16 Ill. Reg. 5898, effective March 20, 1992; amended at 17 Ill. Reg. 8478, effective June 1, 1993; amended at 17 Ill. Reg. 11480, effective July 16, 1993; emergency amendment at 17 Ill. Reg. 15126, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; emergency amendment repealed at 17 Ill. Reg. 22582, effective December 20, 1993; emergency amendment at 18 Ill. Reg. 11314, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16619, effective October 27, 1994; amended at 19 Ill. Reg. 2890, effective February 22, 1995; amended at 19 Ill. Reg. 7906, effective June 5, 1995; amended at 20 Ill. Reg. 6916, effective May 6, 1996; emergency amendment at 20 Ill. Reg. **7426**, effective May 24, 1996, for a maximum of 150 days.

Section 144.100 Exceptional Care Needs of Clients with Developmental Disabilities Interdisciplinary Team (IDT) (Repealed)
EMERGENCY

a) Exceptional Care Program

1) The Department of Mental Health and Developmental Disabilities (DMHDD) may make payments to ICF/MR (SNF/Ped license) facilities, which meet licensure and certification requirements as may be prescribed by the Department of Public Health (DPH).

2) Exceptional medical care is defined as the level of care with extraordinary costs related to services which may include nurse/ancillary specialist services, and medical equipment and/or supplies that have been determined to be a medical necessity. This may apply to Medicaid clients who currently are residing in SNF/Ped facilities, Medicaid patients who are being discharged from the hospital or other setting where Medicaid reimbursement is at a rate higher than the exceptional care rate for related services, or persons who are in need of exceptional care services and who would otherwise be in an alternative setting at a higher cost to the Department. This includes but is not limited to persons with complex respiratory illness, ventilator-dependent persons or persons with high medical needs for whom the SNF/Ped provides a cost-effective living arrangement. High medical needs is defined as licensed staffing costs 50 percent above the level III medical add-on licensed staffing reimbursement rate.

3) DMHDD shall recommend rates to the Department of Public Aid (DPA) for DPA approval in accordance with the provisions of 20 ILCS 1705/18.2 and 305 ILCS 5.5-11. DMHDD will calculate the rates for exceptional care service categories by using data collected from SNF/Ped exceptional care providers.

b) Exceptional Care Requirements

DMHDD may reimburse for exceptional care services only if the SNF/Ped provider agrees to the following conditions:

1) The provider will maintain separate records regarding costs related to the care of the exceptional care residents.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- 2) The provider must meet all conditions of participation in accordance with 42 CFR Subpart I, Conditions of Participation for Intermediate Care Facilities for the Mentally Retarded. If the provider is not in compliance with a condition of participation and such noncompliance is under appeal, DMHDD will delay action on the provider's application to participate in the exceptional care program pending the outcome of the hearing.
- 3) The provider must demonstrate the capacity and capability to provide exceptional care as documented by DPH and DMHDD records, including, but not limited to, being free of Type A violations and/or conditional license brought upon by violations relating to health care services. If the Type A violation and/or conditional license is under appeal, DMHDD will delay action on the provider's application to participate in the exceptional care program pending the outcome of the hearing.
- 4) The provider must maintain and provide documentation demonstrating:
- A) Adherence to staffing requirements as described in subsection (c) of this Section;
 - B) Adherence to staff training requirements as described in subsection (d) of this Section;
 - C) Written agreements as required in subsection (e) of this Section;
 - D) Presence of emergency policy and procedures as described in subsection (f) of this Section;
 - E) Medical condition of the resident; and
 - F) Care, treatments and services provided to the resident.
- 5) When residents are mechanically supported, the provider must have and maintain physical plant adaptations to accommodate the necessary equipment, i.e., emergency electrical backup system. The provider shall maintain records demonstrating the facility's maintenance of emergency equipment. Staff must be familiar with the location and operation of the emergency equipment and related procedures. To assure that staff are familiar with operating the emergency equipment, facilities must provide quarterly in-service training for all staff caring for residents.
- c) Exceptional Care Staffing Requirements
- Staffing requirements for facilities providing exceptional care include:
- 1) There shall be at least one registered nurse 24 hours a day seven days per week in the facility. Based on the Department's review of the exceptional care services needs, additional registered nurse staff may be determined necessary by DMHDD to implement the medical care plan and meet the needs of the individual.
 - 2) There shall be at least one registered nurse or licensed practical nurse on duty at all times and on each floor housing residents (as required by DPH in 77 Ill. Adm. Code 390.1040(b)).
 - 3) For those facilities providing complex respiratory or ventilator

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- services under exceptional care, there shall be a certified respiratory therapy technician or registered respiratory therapist on staff or on contract with the facility.
- d) Training Requirements for Facilities Providing Exceptional Care for Persons with Tracheostomies and Ventilator-Dependent Residents
- 1) At least one of the full-time professional nursing staff members has successfully completed a course in the care of ventilator-dependent individuals and the use of ventilators, conducted and documented by a certified respiratory therapy technician or registered respiratory therapist or a qualified registered nurse who has at least one year's experience in the care of ventilator-dependent persons.
 - 2) All staff caring for ventilator-dependent residents must have documented in-service training in ventilator care prior to providing such care. In-service training must be conducted at least annually by a certified respiratory therapy technician, a registered respiratory therapist or a qualified registered nurse who has at least one year's experience in the care of ventilator-dependent persons. In-service training documentation shall include name and qualifications of the in-service director, duration of presentation, content of presentation and signature and position description of all participants.
 - 3) All staff caring for persons with tracheostomies must have documented in-service training in tracheostomy care, other related medically complex procedures and infection control/universal precautions. The in-services should address all extraordinary situations and/or aspects of care.
- e) Exceptional Care Agreement Requirements
- The provider must have a valid written agreement with:
- 1) A medical equipment and supply provider which must include a service contract for ventilator equipment when accepting ventilator-dependent residents. Supplies include oxygen, oxygen concentrator, tracheostomy supplies and any other items needed for the services to be delivered;
 - 2) A local emergency transportation provider;
 - 3) A hospital capable of providing the necessary care for equipment-dependent residents, when appropriate; and
 - 4) A certified respiratory therapy technician or registered respiratory therapist (unless a respiratory therapist is on staff within the facility) when accepting ventilator-dependent residents or residents requiring respiratory therapy services.
- f) Exceptional Care Emergency Policy and Procedures Requirements
- The provider must have specific written policies and procedures addressing emergency care for residents requiring exceptional care.
- g) Accessibility to Records
- The provider must make accessible to DMHDD, DPA and/or DPH all facility, resident and other records necessary to determine the appropriateness of exceptional care services.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

h) Provider Approval and Voluntary Termination Process

- 1) A provider should notify DMHDD, in writing, of its interest in participating in the Exceptional Care Program.
- 2) DMHDD shall conduct a review of the facility to assure that the facility meets all the exceptional care requirements contained in this section.
- 3) DMHDD shall notify the provider in writing of its approval for exceptional care services.
- 4) Providers desiring to discontinue provision of exceptional care shall notify DMHDD, in writing, at least 60 days prior to the date of termination. Payment for exceptional care residents already residing in facilities which notify DMHDD that they wish to discontinue providing exceptional care services will be reduced to the facility's standard Medicaid per diem rate. DMHDD will review each approved exceptional care client to determine whether he or she may remain in the facility. For the duration of the time that exceptional care clients remain in the facility, the provider must continue to meet the needs of the individual. Should a transfer to another facility be necessary, the provider must contact the responsible case coordinating agency which will assist in locating another provider.
- 5) It is the responsibility of a SNF/Ped provider to effect appropriate discharge planning for exceptional care residents when terminating services for exceptional care. DMHDD will assist providers with any information available regarding appropriate placement settings.

i) Determining Eligibility for Exceptional Care Payment

- 1) A person currently residing in a SNF/Ped, or a person being discharged from a hospital or those who are in another setting must be approved by an authorized DMHDD representative to be eligible for exceptional care payment.
- 2) Eligible items which may be used in computing the cost of the person's care include nursing services costs, therapy services costs, and medical equipment and supply costs. Computations for determining cost of care shall be based upon reasonable costs for services, medical equipment and supplies for the facility as determined by DMHDD.
- 3) The provider must submit a request for exceptional care to DMHDD. An authorized DMHDD representative will conduct a medical review of the required care and related costs of equipment and supplies. DMHDD will compute the exceptional care rate as the licensed staff cost in excess of the licensed staff cost of the standard rate methodology of the medical level III add-on plus a related cost factor of 15 percent for equipment and supplies. DMHDD will notify the provider of the rate to be paid for the exceptional care services provided.

j) Monitoring

- 1) DMHDD shall provide for a program of delegated utilization review

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

and quality assurance.

- 2) DMHDD shall review exceptional care residents' utilization of services at least once every 90 days. A review may be waived by DMHDD staff if one or more previous assessments show that a resident's condition has stabilized. However, two consecutive reviews shall not be waived. DMHDD exceptional care staff will maintain contact with the SNF/Ped regarding the resident's condition during the time period any assessment is waived.
- 3) In the event that it is determined that the resident is no longer in need of or is no longer receiving exceptional care services, DMHDD shall discontinue the exceptional care payment rate for the resident and reduce the rate of payment to the provider to the facility's standard Medicaid per diem rate, effective the later of either the date of the review or the determination by DMHDD. Notice of this action shall be sent to the provider within 30 days.
- 4) Providers shall be reviewed annually to determine whether they continue to meet all the criteria to participate in the exceptional care program. If the annual review indicates the facility does not meet the exceptional care criteria or the resident is no longer in need of or is no longer receiving exceptional care services, DMHDD shall terminate the agreement. Should DMHDD terminate the agreement, the exceptional care rate will be reduced to the facility's standard Medicaid per diem rate. Termination of the agreement shall be effective 30 days after the date of the notice. DMHDD will review each formerly approved exceptional care client to determine whether he or she may remain in the facility. For the duration of the time that formerly approved exceptional care clients remain in the facility, the provider must meet the needs of the individual. Should a transfer to another facility be necessary, the provider must contact the responsible case coordinating agency which will assist in locating another provider.

(Source: Section repealed at 19 Ill. Reg. 16619, effective October 27, 1994; 26 new Section adopted by emergency rule at 20 Ill. Reg. 174, effective May 24, 1996, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Numbers:
 310.230 Peremptory Action:
 Amend
 310.290 Amend
 310.Appendix A, Table J
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires this Peremptory Rulemaking: Section 1-5(d) of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)]
- 5) Statutory Authority: 20 ILCS 415/8 and 8a
- 6) Effective Date: May 14, 1996
- 7) A Complete Description of the Subjects and Issues Involved: In Section 310.230, Part-Time Daily or Hourly Special Services Rate, the new Revenue Tax Specialist I class is being added to the rates of \$11.56 to \$16.16 (hourly) and \$86 to \$122 (daily). The Revenue Tax Specialist I replaces the Tax Examiner Trainee class.
- In Section 310.290, Out-of-State or Foreign Service Rate, the new Revenue Tax Specialist Trainee and Revenue Tax Specialist I classes are being added to replace the Tax Examiner Trainee and Tax Examiner classes.
- The Revenue Tax Specialist Trainee's out-of-state rates will be \$1,983 - \$2,673 for States other than California and New Jersey, and \$2,241 - 3,021 for California and New Jersey. The out-of-state rates for the Revenue Tax Specialist I will be \$2,168 - 2,943 for States other than California and New Jersey, and \$2,451 - \$3,327 for California and New Jersey.
- Also, the new Revenue Tax Specialist II is being added with the rate of \$2,371 - \$3,259 for States other than California and New Jersey, and \$2,681 - \$3,684 for California and New Jersey.
- The new titles and rates have been included under the Fiscal Year 1997 Section with the rates being adjusted to maintain the same differential above in-state positions. As part of the Department of Revenue's class study, the titles of Tax Examiner, Tax Examiner Trainee, Taxpayer Service Representative I, II and III are being abolished and deleted from Section 310.Appendix A, Table J, RC-011 (Clerical Employees, AFSCME) and replaced by the Revenue Tax Specialist I and Trainee. The new classes will be included in the RC-062 Collective Bargaining Unit.
- 8) Does this rulemaking contain an automatic repeal date? No

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 9) Date Filed in Agency's Principal Office: May 14, 1996
- 10) Is rule this in compliance with Section 5-50 of the Illinois Administrative Procedure Act? Yes
- 11) Are there any proposed amendments pending to this Part? Yes
- | Section Numbers | Proposed Action | Illinois Register Citation |
|-----------------|-----------------|------------------------------------|
| 310.230 | Amended | 20 Ill. Reg. 4060 (March 8, 1996) |
| 310.Appendix A | | |
| Table A | Amended | 20 Ill. Reg. 4091 (March 15, 1996) |
| 310.100 | Amended | 20 Ill. Reg. 4491 (March 22, 1996) |
| 310.110 | Amended | 20 Ill. Reg. 4491 (March 22, 1996) |
| 310.130 | Amended | 20 Ill. Reg. 4491 (March 22, 1996) |
| 310.230 | Amended | 20 Ill. Reg. 4491 (March 22, 1996) |
| 310.240 | Amended | 20 Ill. Reg. 4491 (March 22, 1996) |
| 310.495 | Amended | 20 Ill. Reg. 4491 (March 22, 1996) |
| 310.Appendix B | Amended | 20 Ill. Reg. 4491 (March 22, 1996) |
| 310.Appendix G | Amended | 20 Ill. Reg. 4491 (March 22, 1996) |
| 310.50 | Amended | 20 Ill. Reg. 5104 (April 5, 1996) |
| 310.70 | Amended | 20 Ill. Reg. 5104 (April 5, 1996) |
| 310.100 | Amended | 20 Ill. Reg. 5104 (April 5, 1996) |
| 310.110 | Amended | 20 Ill. Reg. 5104 (April 5, 1996) |
| 310.280 | Amended | 20 Ill. Reg. 5104 (April 5, 1996) |
| 310.480 | Amended | 20 Ill. Reg. 5104 (April 5, 1996) |
| 310.490 | Amended | 20 Ill. Reg. 5104 (April 5, 1996) |
| 310.500 | Amended | 20 Ill. Reg. 5104 (April 5, 1996) |
| 310.Appendix A | | |
| Table F | Amended | 20 Ill. Reg. 5104 (April 5, 1995) |
| 310.230 | Amended | 20 Ill. Reg. 5405 (April 12, 1996) |
- 12) Statement of Statewide Policy Objectives: These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State
- 13) Information and questions regarding this adopted amendment shall be directed to:
 Mr. Michael Murphy
 Department of Central Management Services
 Division of Technical Services
 504 William G. Stratton Building
 Springfield, IL 62706
 (217) 782-5601

The full text of the Peremptory amendment begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section
310.20 Policy and Responsibilities
310.30 Jurisdiction
310.40 Pay Schedules
310.50 Definitions
310.60 Conversion of Base Salary to Pay Period Units
310.70 Conversion of Base Salary to Daily or Hourly Equivalents
310.80 Increases in Pay
310.90 Decreases in Pay
310.100 Other Pay Provisions
310.110 Implementation of Pay Plan Changes for Fiscal Year 1996
310.120 Interpretation and Application of Pay Plan
310.130 Effective Date
310.140 Reinstitution of Within Grade Salary Increases
310.150 Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section
310.205 Introduction
310.210 Prevailing Rate
310.220 Negotiated Rate
310.230 Part-Time Daily or Hourly Special Services Rate
310.240 Hourly Rate
310.250 Member, Patient and Inmate Rate
310.260 Trainee Rate
310.270 Legislated and Contracted Rate
310.280 Designated Rate
310.290 Out-of-State or Foreign Service Rate
310.300 Educator Schedule for RC-063 and HR-010
310.310 Physician Specialist Rate
310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330 Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section
310.410 Jurisdiction
310.420 Objectives
310.430 Responsibilities
310.440 Merit Compensation Salary Schedule
310.450 Procedures for Determining Annual Merit Increases
310.455 Intermittent Merit Increase
310.456 Merit Zone
310.460 Other Pay Increases
310.470 Adjustment
310.480 Decreases in Pay
310.490 Other Pay Provisions
310.495 Public Service Administrator Class Series
310.500 Definitions
310.510 Conversion of Base Salary to Pay Period Units
310.520 Conversion of Base Salary to Daily or Hourly Equivalents
310.530 Implementation
310.540 Annual Merit Increase Guidechart for Fiscal Year 1995
310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A

Negotiated Rates of Pay

HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)

TABLE AA HR-916 (Department of Natural Resources, Teamsters)

TABLE B HR-200 (Department of Labor - Chicago, Illinois - SEIU)

TABLE C RC-069 (Firefighters, AFSCME)

TABLE D HR-001 (Teamsters Local #726)

TABLE E RC-020 (Teamsters Local #330)

TABLE F RC-019 (Teamsters Local #25)

TABLE G RC-045 (Automotive Mechanics, IPPE)

TABLE H RC-006 (Corrections Employees, AFSCME)

TABLE I RC-009 (Institutional Employees, AFSCME)

TABLE J RC-014 (Clerical Employees, AFSCME)

TABLE K RC-023 (Registered Nurses, INA)

TABLE L RC-008 (Boilermakers)

TABLE M RC-110 (Conservation Police Lodge)

TABLE N RC-010 (Professional Legal Unit, AFSCME)

TABLE O RC-028 (Paraprofessional Human Services Employees, AFSCME)

TABLE P RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IPPE)

TABLE Q RC-033 (Meat Inspectors, IPPE)

TABLE R RC-042 (Residual Maintenance Workers, AFSCME)

TABLE S HR-012 (Fair Employment Practices Employees, SEIU)

TABLE T HR-010 (Teachers of Deaf, IFM)

TABLE U HR-010 (Teachers of Deaf, Extracurricular Paid Activities)

TABLE V CU-500 (Corrections, Meet and Confer Employees)

TABLE W RC-062 (Technical Employees, AFSCME)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades - Monthly Rates of Pay for Fiscal Year 1996
APPENDIX C	Medical Administrator Rates for Fiscal Year 1995
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 1995
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G	Public Service Administrator Class Series Salary Schedule

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 3a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 9 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 11314, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 3395, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 3928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 13675, effective July 31, 1986; emergency amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 19132, effective October 28, 1986; emergency amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; emergency amendment at 11 Ill. Reg.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20773, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7793, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 13, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 23, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 808, effective May 10, 1989; amended at 13 Ill. Reg. 8949, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 15950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 3, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 19354, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8392, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996.

SUBPART B: SCHEDULE OF RATES

Section 310.230 Part-Time Daily or Hourly Special Services Rate

The rate of pay as approved by the Director of Central Management Services for persons employed on a consultative or part-time basis requiring irregular hours of work shall be as listed below, except the total compensation of an employee in any given month shall not exceed the monthly rate of Step 5 of the salary grade for the title as shown in the Schedule of Salary Grades (Appendix B) of this Part if the class title is subject to the Schedule of Salary Grades, or Step 5 of the negotiated salary range for classes of positions shown in Section 310.220, Subpart B, Schedule of Rates, or 75% of the maximum rate of those classes of positions subject to the provisions of the Merit Compensation System, Subpart C of this Pay Plan.

Account Technician II	11.00 to 14.08 (hourly)
Apiary Inspector	83 to 106 (daily)
Building/Grounds Laborer	32 to 50 (daily)
Building/Grounds Lead I	4.25 to 6.00 (hourly)
Building/Grounds Lead II	4.25 to 7.00 (hourly)
Building/Grounds Maintenance Worker	5.25 to 8.00 (hourly)
Chaplain I	5.00 to 6.00 (hourly)
Chemist I	32 to 70 (daily)
Conservation/Historic Preservation Worker	32 to 45 (daily)
Conservation/Historic Preservation Worker (2nd season -- site interpretation)	4.50 to 6.50 (hourly)
Conservation/Historic Preservation Worker (3rd season -- site interpretation)	4.64 to 6.50 (hourly)
Dentist I	4.78 to 6.50 (hourly)
Dentist II	70 to 150 (daily)
Educator	100 to 185 (daily)
Educator Aide	25 to 60 (daily)
Guard II	32 to 35 (daily)
Guard III	67 to 84 (daily)
Hearing and Speech Coordinator	75 to 96 (daily)
Hearings Referee	15 to 30 (hourly)
Janitor I	75 to 200 (daily)
Labor Maintenance Lead Worker	4.73 to 5.30 (hourly)
Labor Relations Investigator	5.00 to 6.00 (hourly)
Laborer (Maintenance)	35 to 70 (daily)
	4.25 to 5.70 (hourly)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Maintenance Worker	4.25 to 5.00 (hourly)
Occupational Therapist	40 to 160 (daily)
Program Coordinator	8.12 to 10.40 (hourly)
Office Aide	60 to 78 (daily)
	Eff. FY '96: 8.12 to 10.71 (hourly)
	Eff. FY '97: 60 to 80 (daily)
	60 to 80 (daily)
Office Assistant	9.16 to 12.00 (hourly)
	Eff. FY '96: 68 to 90 (daily)
	Eff. FY '97: 9.16 to 12.36 (hourly)
	68 to 93 (daily)
Office Associate	9.80 to 13.05 (hourly)
	Eff. FY '96: 73 to 98 (daily)
	Eff. FY '97: 9.80 to 13.44 (hourly)
	73 to 101 (daily)
Office Clerk	8.58 to 11.15 (hourly)
	Eff. FY '96: 64 to 84 (daily)
	Eff. FY '97: 8.58 to 11.49 (hourly)
	64 to 86 (daily)
Optometrist	15 to 35 (hourly)
	50 to 160 (daily)
	100 to 300 (daily)
Physician	20 to 60 (hourly)
Physician Specialist (A)	100 to 325 (daily)
Physician Specialist (A)	20 to 70 (hourly)
Physician Specialist (B)	100 to 350 (daily)
Physician Specialist (B)	20 to 75 (hourly)
Physician Specialist (C)	100 to 360 (daily)
Physician Specialist (C)	20 to 85 (hourly)
Physician Specialist (D)	100 to 370 (daily)
Physician Specialist (D)	50 to 125 (daily)
Podiatrist	35 to 80 (daily)
Psychologist I	40 to 125 (daily)
Psychologist II	40 to 150 (daily)
Psychologist III	5.33 (hourly)
Recreation Worker I	32 to 40 (daily)
	39 to 54 (daily)
Registered Nurse I	41 to 56 (daily)
Registered Nurse I	43 to 58 (daily)
(2nd or 3rd shift)	44 to 59 (daily)
Registered Nurse I (Cook County)	
Registered Nurse I (Cook County -	
2nd or 3rd shift)	
Registered Nurse II	43 to 58 (daily)
Registered Nurse II	44 to 59 (daily)
(2nd or 3rd shift)	
Registered Nurse II (Cook County)	45 to 60 (daily)
Registered Nurse II (Cook County -	47 to 62 (daily)
2nd or 3rd shift)	

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Revenue Tax Specialist I	11.56 to 16.16 (hourly)
	86 to 122 (daily)
Social Worker II	35 to 75 (daily)
Social Worker III	35 to 80 (daily)
Student Worker	4.25 to 8.00 (hourly)
Tax-Examiner	9.69 to 12.21 (hourly)
	73 to 92 (daily)
Technical Advisor II	32 to 35 (hourly)
Technical Advisor III	32 to 60 (hourly)
Technical Advisor IV	50 to 80 (hourly)
Veterinarian II	95 to 130 (daily)

(Source: Peremptory Amendment at 20 Ill. Reg. 7434, effective May 14, 1996)

Section 310.290 Out-of-State or Foreign Service Rate

The rate of pay for employees occupying positions which require payment in accordance with the economic conditions and social legislation of another state or foreign country. An adjustment may be made to the salary of an employee stationed in a foreign country to compensate for a change in the currency exchange rate. The Director of the Department of Central Management Services will, before approving an adjustment, consider the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

Title	Range Effective Fiscal Year 1996
Foreign Service Economic Development Executive I	3161-5645
Foreign Service Economic Development Executive II	4048-7397
Foreign Service Economic Development Representative	2686-4839
Office Administrator IV (States Other Than California and New Jersey)	2111-3545
	2387-4007
Office Assistant (Foreign Service)	1719-2252
Office Associate (States Other Than California and New Jersey)	1839-2447
	2079-2766

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Public Service Administrator
(States Other Than California and New Jersey)
(CA, NJ) 2831-6009
3201-6793

Office Coordinator
(States Other Than California
and New Jersey)
(CA, NJ) 1909-2553
2158-2886

Revenue Auditor I
(States Other Than California
and New Jersey)
(CA, NJ) 2601-3609
2941-4079

Revenue Auditor II
(States Other Than California
and New Jersey)
(CA, NJ) 3033-4264
3428-4820

Revenue Auditor III
(States Other Than California
and New Jersey)
(CA, NJ) 3685-4789
4709-5413

Revenue Auditor Trainee
(States Other Than California
and New Jersey)
(CA, NJ) 2168-2943
2451-3327

Revenue Tax Specialist I
(States Other Than California
and New Jersey)
(CA, NJ) 2168-2943
2451-3327

Revenue Tax Specialist II
(States Other Than California
and New Jersey)
(CA, NJ) 2371-3259
2681-3684

Revenue Tax Specialist Trainee
(States Other Than California
and New Jersey)
(CA, NJ) 1983-2673
2241-3021

Senior Public Service Administrator
(States Other Than California and New Jersey)
(CA, NJ) 3901-8901
4410-10062

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Tax-Examiner
(States Other Than California and
New Jersey)
(CA, NJ) 1909-2553
2158-2886

Tax-Examiner Trainee
(States Other Than California and
New Jersey)
(CA, NJ) 1719-2352
1944-2545

Foreign Service Economic Development Executive I
3161-5645

Foreign Service Economic Development Executive II
4048-7397

Foreign Service Economic Development Representative
2686-4839

Office Administrator IV
(States Other Than California and New Jersey)
(CA, NJ) 2111-3545
2387-4007

Office Assistant (Foreign Service)
1719-2320

Office Associate
(States Other Than California and New Jersey)
(CA, NJ) 1839-2521
2079-2850

Public Service Administrator
(States Other Than California and New Jersey)
(CA, NJ) 2916-6009
3297-6793

Office Coordinator
(States Other Than California and New Jersey)
(CA, NJ) 1909-2630
2158-2973

Revenue Auditor I
(States Other Than California and New Jersey)
(CA, NJ) 2601-3717
2941-4202

Revenue Auditor II
(States Other Than California and New Jersey)
(CA, NJ) 3033-4392
3428-4965

Revenue Auditor III
(States Other Than California and New Jersey)
(CA, NJ) 3685-4932
3709-5576

Effective
Fiscal Year 1997

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Revenue Auditor Trainee
(States Other Than California and New Jersey)
(CA, NJ)

Revenue Tax Specialist I
(States Other Than California and New Jersey)
(CA, NJ)

Revenue Tax Specialist II
(States Other Than California and New Jersey)
(CA, NJ)

Revenue Tax Specialist Trainee
(States Other Than California and New Jersey)
(CA, NJ)

Senior Public Service Administrator
(States Other Than California and New Jersey)
(CA, NJ)

Tax-Examiner
(States-Other-Than-California-and-New-Jersey)
(CA7-NJ7)

Tax-Examiner-Trainee
(States-Other-Than-California-and-New-Jersey)
(CA7-NJ7)

(Source: Peremptory Amendment at 20 Ill. Reg.
14, 1996)

7434, effective May
14, 1996

2168-3031
2451-3427

2168-3031
2451-3427

2371-3357
2681-3795

1983-2753
2241-3112

4018-3901
4542-10062

1999-2639
2158-2973

1719-2329
1944-2622

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE J RC-014 (Clerical Employees, AFSCME)

Effective: July 1, 1994

	la a/	S T E P S	
	1	2	3
Account Clerk I	1447	1490	1540
Account Clerk II	1546	1592	1647
Account Technician I	1724	1776	1853
Account Technician II	1885	1942	2024
Administrative Services Worker Trainee	1324	1364	1401
Aircraft Dispatcher	1885	1942	2024
Aircraft Lead Dispatcher	2062	2124	2216
Audio Visual Technician I	1495	1540	1592
Audio Visual Technician II	1660	1710	1774
Buyer Assistant	1724	1776	1853
Check Issuance Machine Operator	1660	1710	1774
Clerical Trainee	TR		
Communication Dispatcher	1660	1710	1774
Communication Equipment Technician I	2373	2444	2561
Communication Equipment Technician II	2637	2716	2851
Communication Equipment Technician III	2786	2870	2984
Court Reporter	2153	2218	2321
Data Processing Assistant	1495	1540	1592
Data Processing Operator	1399	1441	1490
Data Processing Operator Trainee	1324	1364	1401
Drafting Worker	1800	1854	1931
Electronic Equipment Installer/Repairer	1724	1776	1853
Electronic Equipment Installer/Repairer Leadworker	1885	1942	2024
Electronics Technician	2153	2218	2321
Emergency Response Lead Telecommunicator	1885	1942	2024
Emergency Response Telecommunicator	1724	1776	1853
Engineering Technician II	1967	2026	2112
Engineering Technician III	2262	2330	2438
Executive Secretary I	1800	1854	1931
Graphic Arts Designer	2062	2124	2216
Graphic Arts Technician	1885	1942	2024
Industrial Commission Reporter	2262	2330	2438

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Industrial Commission Technician	1800	1854	1931	2002
Insurance Analyst I	1660	1710	1774	1843
Insurance Analyst II	1885	1942	2024	2100
Insurance Analyst Trainee	1546	1592	1647	1705
Intermittent Clerk	8.15	8.39	8.62	8.87
Library Aide I	1360	1401	1441	1490
Library Aide II	1447	1490	1540	1591
Library Aide III	1546	1592	1647	1705
Library Technical Assistant	1724	1776	1853	1920
Licensing Quality Assurance Analyst	1660	1710	1774	1843
Microfilm Laboratory Technician I	1546	1592	1647	1705
Microfilm Laboratory Technician II	1660	1710	1774	1843
Microfilm Operator I	1399	1441	1490	1538
Microfilm Operator II	1495	1540	1592	1644
Microfilm Operator III	1599	1647	1710	1771
Office Aide	1324	1364	1401	1441
Office Assistant	1495	1540	1592	1644
Office Associate	1599	1647	1710	1771
Office Clerk	1399	1441	1490	1538
Office Coordinator	1660	1710	1774	1843
Photographer I	1800	1854	1931	2002
Photographer II	2062	2124	2216	2309
Photographer III	2153	2218	2321	2422
Photographic Technician I	1800	1854	1931	2002
Photographic Technician II	2062	2124	2216	2309
Photographic Technician III	2153	2218	2321	2422
Procurement Representative	1660	1710	1774	1843
Property & Supply Clerk I	1399	1441	1487	1535
Property & Supply Clerk II	1490	1535	1582	1640
Property Tax Examiner	1660	1710	1774	1843
Rehabilitation Case Coordinator I	1546	1592	1647	1705
Rehabilitation Case Coordinator II	1660	1710	1774	1843
Reproduction Service Technician I	1447	1490	1540	1591
Reproduction Service Technician II	1660	1710	1774	1843
Reproduction Service Technician III	1800	1854	1931	2002
Safety Responsibility Analyst I	1660	1710	1774	1843
Safety Responsibility Analyst II	1885	1942	2024	2100
Storekeeper I	1786	1840	1909	1986
Storekeeper II	1938	1996	2081	2162
Stores Clerk	1444	1487	1535	1581
Switchboard Operator I	1399	1441	1490	1538
Switchboard Operator II	1495	1540	1592	1644
Tax Examiner	1660	1710	1774	1843
Tax Examiner Trainee	1495	1540	1592	1644
Taxpayer Service Representative I	1495	1540	1592	1644
Taxpayer Service Representative II	1660	1710	1774	1843
Taxpayer Service Representative III	1885	1942	2024	2100
Telecommunications Field Advisor	2153	2218	2321	2422

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Telecommunications Advisor Lead Worker	2373	2444	2561	2680
Telecommunicator	1885	1942	2024	2100
Telecommunicator-Command Center	1967	2026	2112	2202
Telecommunicator Lead Worker	2062	2124	2216	2309
Telecommunicator Lead Worker-Command Center	2153	2218	2321	2422
Telecommunicator Trainee	1724	1776	1853	1920
Vehicle Permit Evaluator	1800	1854	1931	2002
Veterans Service Officer Associate	1800	1854	1931	2002

S T E P S (cont.)

4	5	6	7
1642	1690	1710	1826
1763	1820	1881	1982
1993	2063	2138	2256
2187	2267	2353	2484
1489	1532	1574	1647
2187	2267	2353	2484
2412	2504	2601	2751
1700	1753	1810	1901
1909	1981	2049	2155
1993	2063	2138	2256
1909	1981	2049	2155
1909	1981	2049	2155
2792	2906	3024	3204
3126	3258	3395	3600
3305	3447	3589	3809
2521	2624	2722	2884
1700	1753	1810	1901
1582	1635	1680	1766
1489	1532	1574	1647
2084	2161	2235	2360
1993	2063	2138	2256
2187	2267	2353	2484
2521	2624	2722	2884
2187	2267	2353	2484
1993	2063	2138	2256
2291	2378	2469	2609
2655	2766	2877	3047
2084	2161	2235	2360
2412	2504	2601	2751
2187	2267	2353	2484
2655	2766	2877	3047
2084	2161	2235	2360
1909	1981	2049	2155
2187	2267	2353	2484
1763	1820	1881	1982

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Data Processing Operator Trainee	1324	1364	1405	1443	1484
Drafting Worker	1800	1854	1910	1989	2062
Electronic Equipment Installer/ Repairer	1724	1776	1829	1909	1978
Electronic Equipment Installer/ Repairer Leadworker	1885	1942	2000	2085	2163
Electronics Technician	2153	2218	2285	2391	2495
Emergency Response Lead	1885	1942	2000	2085	2163
Telecommunicator					
Emergency Response Telecommunicator	1724	1776	1829	1909	1978
Engineering Technician II	1967	2026	2087	2175	2268
Engineering Technician III	2262	2330	2400	2511	2625
Executive Secretary I	1800	1854	1910	1989	2062
Graphic Arts Designer	2062	2124	2188	2282	2378
Graphic Arts Technician	1885	1942	2000	2085	2163
Industrial Commission Reporter	2262	2330	2400	2511	2625
Industrial Commission Technician	1800	1854	1910	1989	2062
Insurance Analyst I	1660	1710	1761	1827	1898
Insurance Analyst II	1885	1942	2000	2085	2163
Insurance Analyst Trainee	1546	1592	1640	1696	1756
Intermittent Clerk	8.15	8.39	8.65	8.88	9.13
Library Aide I	1360	1401	1443	1484	1535
Library Aide II	1447	1490	1535	1586	1639
Library Technical Assistant	1724	1776	1829	1909	1978
Microfilm Laboratory Technician I	1546	1592	1640	1696	1756
Microfilm Laboratory Technician II	1660	1710	1761	1827	1898
Microfilm Operator I	1399	1441	1484	1535	1584
Microfilm Operator II	1495	1540	1586	1640	1693
Microfilm Operator III	1599	1647	1696	1761	1824
Office Aide	1324	1364	1405	1443	1484
Office Assistant	1495	1540	1586	1640	1693
Office Associate	1599	1647	1696	1761	1824
Office Clerk	1399	1441	1484	1535	1584
Office Coordinator	1660	1710	1761	1827	1898
Photographer I	1800	1854	1910	1989	2062
Photographer II	2062	2124	2188	2282	2378
Photographer III	2153	2218	2285	2391	2495
Photographic Technician I	1800	1854	1910	1989	2062
Photographic Technician II	2062	2124	2188	2282	2378
Photographic Technician III	2153	2218	2285	2391	2495
Procurement Representative	1660	1710	1761	1827	1898
Property & Supply Clerk I	1399	1441	1484	1535	1584
Property & Supply Clerk II	1490	1535	1581	1629	1689
Property Tax Examiner	1660	1710	1761	1827	1898
Rehabilitation Case Coordinator I	1546	1592	1640	1696	1756
Rehabilitation Case Coordinator II	1660	1710	1761	1827	1898
Reproduction Service Technician I	1447	1490	1535	1586	1639
Reproduction Service Technician II	1660	1710	1761	1827	1898

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Reproduction Service Technician III	1800	1854	1910	1989	2062
Safety Responsibility Analyst	1885	1942	2000	2085	2163
Storekeeper I	1786	1840	1895	1966	2046
Storekeeper II	1938	1996	2056	2143	2227
Stores Clerk	1444	1487	1532	1581	1628
Switchboard Operator I	1399	1441	1484	1535	1584
Switchboard Operator II	1495	1540	1586	1640	1693
Tax-Examiner	1660	1710	1761	1827	1898
Tax-Examiner-Trainee	1495	1540	1586	1640	1693
Taxpayer-Service-Representative	1495	1540	1586	1640	1693
Taxpayer-Service-Representative	1660	1710	1761	1827	1898
Taxpayer-Service-Representative	1885	1942	2000	2085	2163
Telecommunications Field Advisor	2153	2218	2285	2391	2495
Telecommunications Advisor Lead	2373	2444	2517	2638	2760
Worker					
Telecommunicator	1885	1942	2000	2085	2163
Telecommunicator-Command Center	1967	2026	2087	2175	2268
Telecommunicator Call Taker	1967	2026	2087	2175	2268
Telecommunicator Lead Call Taker	2153	2218	2285	2391	2495
Telecommunicator Lead Worker	2062	2124	2188	2282	2378
Telecommunicator Lead Worker- Command Center	2153	2218	2285	2391	2495
Telecommunicator Trainee	1724	1776	1829	1909	1978
Vehicle Permit Evaluator	1800	1854	1910	1989	2062
Veterans Service Officer Associate	1800	1854	1910	1989	2062

S T E P S (cont.)

1691	1741	1792	1881
1816	1875	1937	2041
2053	2125	2202	2324
2253	2335	2424	2559
1534	1578	1621	1696
2253	2335	2424	2559
2484	2573	2679	2834
1751	1806	1864	1958
1966	2040	2110	2220
2053	2125	2202	2324
1966	2040	2110	2220
2876	2993	3115	3300
3220	3356	3497	3708
3404	3550	3697	3923
2597	2703	2804	2971
1751	1806	1864	1958
1629	1684	1730	1819

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

1534	1578	1621	1696
2147	2226	2302	2431
2053	2125	2202	2324
2253	2335	2424	2559
2597	2703	2804	2971
2253	2335	2424	2559
2053	2125	2202	2324
2360	2449	2543	2687
2735	2849	2963	3138
2147	2226	2302	2431
2253	2335	2424	2559
1816	1875	1937	2041
9.44	9.71	9.98	10.44
1581	1625	1672	1758
1691	1741	1792	1881
1816	1875	1937	2041
2053	2125	2202	2324
1966	2040	2110	2220
1816	1875	1937	2041
1966	2040	2110	2220
1629	1684	1730	1819
1751	1806	1864	1958
1893	1954	2021	2128
1534	1578	1621	1696
1751	1806	1864	1958
1893	1954	2021	2128
1629	1684	1730	1819
1966	2040	2110	2220
2147	2226	2302	2431
2484	2579	2679	2834
2597	2703	2804	2971
1966	2040	2110	2220
1627	1672	1724	1813
1740	1792	1849	1938
1966	2040	2110	2220
1816	1875	1937	2041
1966	2040	2110	2220
1691	1741	1792	1881
1966	2040	2110	2220
2147	2226	2302	2431

2/ Entry level step in second year of contract.

Effective: July 1, 1996

S T E P S			
1c 3/	1b	1a	1
Account Clerk I	1447	1490	1535
Account Clerk II	1546	1592	1640
Account Technician I	1724	1776	1829
Account Technician II	1885	1942	2000
Administrative Services Worker	1324	1364	1405
Trainee			
Aircraft Dispatcher	1885	1942	2000
Aircraft Lead Dispatcher	2062	2124	2188
Audio Visual Technician I	1495	1540	1586
Audio Visual Technician II	1660	1710	1761
Buyer Assistant	1724	1776	1829
Check Issuance Machine Operator	1660	1710	1761
Clerical Trainee	TR		
Communication Dispatcher	1660	1710	1761
Communication Equipment Technician I	2373	2444	2517
Communication Equipment Technician II	2637	2716	2797
Communication Equipment Technician III			
2786	2870	2956	3045
3197	3288	3379	3470

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

2253	2335	2424	2559
2117	2201	2272	2394
2318	2404	2484	2625
1681	1733	1783	1873
1629	1684	1730	1819
1751	1806	1864	1958
1966	2049	2110	2220
1751	1806	1864	1958
1566	1649	1710	1820
2253	2335	2424	2559
2597	2703	2804	2971
2876	2993	3115	3300
2253	2335	2424	2559
2360	2443	2543	2687
2360	2443	2543	2687
2597	2703	2804	2971
2484	2579	2649	2834
2597	2703	2804	2971
2053	2125	2202	2324
2147	2226	2302	2431
2147	2226	2302	2431

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Court Reporter	2153	2218	2285	2354	2463	2570
Data Processing Assistant	1495	1540	1586	1634	1689	1744
Data Processing Operator	1399	1441	1484	1529	1581	1632
Data Processing Operator Trainee	1324	1364	1405	1447	1486	1529
Drafting Worker	1800	1854	1910	1967	2049	2124
Electronic Equipment	1724	1776	1829	1884	1966	2037
Electronic Equipment	1885	1942	2000	2060	2148	2228
Installer Repairer Leadworker						
Electronics Technician	2153	2218	2285	2354	2463	2570
Emergency Response Lead	1895	1942	2000	2060	2148	2228
Telecommunicator						
Emergency Response	1724	1776	1829	1884	1966	2037
Telecommunicator						
Engineering Technician II	1967	2026	2087	2150	2240	2336
Engineering Technician III	2262	2330	2400	2472	2586	2704
Executive Secretary I	1800	1854	1910	1967	2049	2124
Graphic Arts Designer	2062	2124	2188	2254	2350	2449
Graphic Arts Technician	1895	1942	2000	2060	2148	2228
Industrial Commission Reporter	2262	2330	2400	2472	2586	2704
Industrial Commission Technician	1800	1854	1910	1967	2049	2124
Insurance Analyst I	1660	1710	1761	1814	1882	1955
Insurance Analyst II	1895	1942	2000	2060	2148	2228
Insurance Analyst Trainee	1546	1592	1640	1689	1747	1809
Intermittent Clerk	8.15	8.39	8.65	8.90	9.14	9.41
Library Aide I	1360	1401	1443	1486	1529	1581
Library Aide II	1447	1490	1535	1581	1634	1688
Library Aide III	1546	1592	1640	1689	1747	1809
Library Technical Assistant	1724	1776	1829	1884	1966	2037
Microfilm Laboratory Technician I	1546	1592	1640	1689	1747	1809
Microfilm Laboratory Technician II	1660	1710	1761	1814	1882	1955
Microfilm Operator I	1399	1441	1484	1529	1581	1632
Microfilm Operator II	1495	1540	1586	1634	1689	1744
Microfilm Operator III	1599	1647	1696	1747	1814	1879
Office Aide	1324	1364	1405	1447	1486	1529
Office Assistant	1495	1540	1586	1634	1689	1744
Office Associate	1599	1647	1696	1747	1814	1879
Office Clerk	1399	1441	1484	1529	1581	1632
Office Coordinator	1660	1710	1761	1814	1882	1955
Photographer I	1800	1854	1910	1967	2049	2124
Photographer II	2062	2124	2188	2254	2350	2449
Photographer III	2153	2218	2285	2354	2463	2570
Photographic Technician I	1800	1854	1910	1967	2049	2124
Photographic Technician II	2062	2124	2188	2254	2350	2449
Photographic Technician III	2153	2218	2285	2354	2463	2570
Procurement Representative	1660	1710	1761	1814	1882	1955
Property & Supply Clerk I	1333	1441	1484	1529	1578	1628
Property & Supply Clerk II	1490	1535	1581	1628	1678	1740
Property Tax Examiner	1660	1710	1761	1814	1882	1955

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Rehabilitation Case Coordinator I	1546	1592	1640	1689	1747	1809
Rehabilitation Case Coordinator II	1660	1710	1761	1814	1882	1955
Reproduction Service Technician I	1447	1490	1535	1581	1634	1688
Reproduction Service Technician II	1660	1710	1761	1814	1882	1955
Reproduction Service Technician III	1800	1854	1910	1967	2049	2124
Safety Responsibility						
Analyst	1885	1942	2000	2060	2148	2228
Storekeeper I	1786	1840	1895	1952	2025	2107
Storekeeper II	1938	1996	2056	2118	2207	2294
Stores Clerk	1444	1487	1532	1578	1628	1677
Switchboard Operator I	1399	1441	1484	1529	1581	1632
Switchboard Operator II	1495	1540	1586	1634	1689	1744
Tax-Examiner	1660	1710	1761	1814	1882	1955
Tax-Examiner-Trainee	1495	1540	1586	1634	1689	1744
Taxpayer-Service-Representative						
Taxpayer-Service-Representative	1495	1540	1586	1634	1689	1744
Taxpayer-Service-Representative	1660	1710	1761	1814	1882	1955
Taxpayer-Service-Representative	1885	1942	2000	2060	2148	2228
Telecommunications Field Advisor	2153	2218	2285	2354	2463	2570
Telecommunications Field Advisor	2373	2444	2517	2593	2717	2843
Lead Worker						
Telecommunicator	1885	1942	2000	2060	2148	2228
Telecommunicator-Command Center	1967	2026	2087	2150	2240	2336
Telecommunicator Call						
Taker	1967	2026	2087	2150	2240	2336
Telecommunicator Lead Call						
Taker	2153	2218	2285	2354	2463	2570
Telecommunicator Lead Worker	2062	2124	2188	2254	2350	2449
Telecommunicator Lead	2153	2218	2285	2354	2463	2570
Worker-Command Center						
Telecommunicator Trainee	1724	1776	1829	1884	1966	2037
Vehicle Permit Evaluator	1800	1854	1910	1967	2049	2124
Veterans Service Officer	1800	1854	1910	1967	2049	2124
Associate						

S T E P S (cont.)

1937	1742	1793	1846
2102	1870	1931	1995
2394	2115	2189	2268
2636	2321	2405	2497
2759	2559	2656	2759
2919	2804	2901	3001
3173	3025	3128	3231
3394	3215	3318	3421

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

2025	2101	2173	2287
2025	2101	2173	2287
2962	3083	3208	3399
3317	3457	3602	3819
3506	3657	3808	4041
2675	2784	2888	3060
1804	1860	1920	2017
1678	1735	1782	1874
1580	1625	1670	1747
2211	2293	2371	2504
2115	2189	2268	2394
2321	2405	2497	2636
2675	2784	2888	3060
2321	2405	2497	2636
2115	2189	2268	2394
2431	2522	2619	2768
2817	2934	3052	3232
2211	2293	2371	2504
2559	2656	2759	2919
2321	2405	2497	2636
2817	2934	3052	3232
2211	2293	2371	2504
2115	2189	2268	2394
2025	2101	2173	2287
2321	2405	2497	2636
1870	1931	1995	2102
9.72	10.00	10.28	10.75
1628	1674	1722	1811
1742	1793	1846	1937
1870	1931	1995	2102
2115	2189	2268	2394
1870	1931	1995	2102
2025	2101	2173	2287
1678	1735	1782	1874
1804	1860	1920	2017
1950	2013	2082	2192
1580	1625	1670	1747
1804	1860	1920	2017
1950	2013	2082	2192
1678	1735	1782	1874
2025	2101	2173	2287
2211	2293	2371	2504
2559	2656	2759	2919
2675	2784	2888	3060
2211	2293	2371	2504
2553	2656	2759	2919
2675	2784	2888	3060
2025	2101	2173	2287
1676	1722	1776	1867

3/ Entry level step in third year of contract.

(Source: Peremptory Amendment at 20 Ill. Reg. 14, 1996)

7434

, effective May

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

1792	1846	1904	1996
2025	2101	2173	2287
1870	1931	1995	2102
2025	2101	2173	2287
1742	1793	1846	1937
2025	2101	2173	2287
2211	2293	2371	2504
2321	2405	2497	2636
2181	2267	2340	2466
2388	2476	2559	2704
1731	1785	1836	1929
1678	1735	1782	1874
1804	1860	1920	2017
2025	2101	2173	2287
1884	1968	1928	2017
1884	1968	1928	2017
2025	2101	2173	2287
2321	2405	2497	2636
2675	2784	2888	3060
2962	3083	3208	3399
2321	2405	2497	2636
2431	2522	2619	2768
2675	2784	2888	3060
2559	2656	2759	2919
2675	2784	2888	3060
2115	2189	2268	2394
2211	2293	2371	2504
2211	2293	2371	2504

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PUBLIC HEARING ON PROPOSED RULE

1) Heading of the Part: Alcoholism and Substance Abuse Treatment and Intervention Licenses

2) Code Citation: 77 Ill. Adm. Code 2060

3) Register Citation to Notice of Proposed Rules:

20 _____ Ill. Reg. 7086 _____; May 24 _____, 19 96

4) June 4, 1996 June 5, 1996
10:00 a.m. - 12:00 p.m. 1:00 p.m. - 3:00 p.m.
Room 025, 2nd Floor Room 212
James R. Thompson Center State House
100 W. Randolph Springfield, IL 62706
Chicago, IL 60601

5) Other Pertinent Information: Oral testimony should be limited to ten minutes. Written testimony may be submitted on the hearing date or sent in advance to:

Norma J. Seibert
Administrator
Division of Licensing & Monitoring
Department of Alcoholism & Substance Abuse
222 S. College, 2nd Floor
Springfield, IL 62704
217/785-8353

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PUBLIC HEARING ON PROPOSED RULE

1) Heading of the Part: Beverage Alcohol Sellers and Servers Education and Training (BASSET) Programs

2) Code Citation: 77 Ill. Adm. Code 2057

3) Register Citation to Notice of Proposed Rules: 20 Ill. Reg. 7154 _____;
May 24 _____, 19 96

4) June 4, 1996 June 5, 1996
10:00 a.m. - 12:00 p.m. 1:00 p.m. - 3:00 p.m.
Room 025, 2nd Floor Room 212
James R. Thompson Center State House
100 W. Randolph Springfield, IL 62706
Chicago, IL 60601

5) Other Pertinent Information: Oral testimony should be limited to ten minutes. Written testimony may be submitted on the hearing date or sent in advance to:

Norma J. Seibert
Administrator
Division of Licensing & Monitoring
Department of Alcoholism & Substance Abuse
222 S. College, 2nd Floor
Springfield, IL 62704
(217) 785-8353

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PUBLIC HEARING ON PROPOSED REPEALER

1) Heading of the Part: Driving Under the Influence Programs

2) Code Citation: 77 Ill. Adm. Code 2056

3) Register Citation to Notice of Repealed Rules:

20 Ill. Reg. 7160 ; May 24 , 1996

4) June 4, 1996 June 5, 1996
10:00 a.m. - 12:00 p.m. 1:00 p.m. - 3:00 p.m.
Room 025, 2nd Floor Room 212
James R. Thompson Center State House
100 W. Randolph Springfield, IL 62706
Chicago, IL 60601

5) Other Pertinent Information: Oral testimony should be limited to ten minutes. Written testimony may be submitted on the hearing date or sent in advance to:

Norma J. Seibert
Administrator
Division of Licensing & Monitoring
Department of Alcoholism & Substance Abuse
222 S. College, 2nd Floor
Springfield, IL 62704
217/785-8353

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PUBLIC HEARING ON PROPOSED REPEALER

1) Heading of the Part: Licensure of Alcoholism and Substance Abuse Treatment, Intervention and Research Programs

2) Code Citation: 77 Ill. Adm. Code 2058

3) Register Citation to Notice of Repealed Rules: 20 Ill. Reg. 7197 ;
May 24 , 1996

4) June 4, 1996 June 5, 1996
10:00 a.m. - 12:00 p.m. 1:00 p.m. - 3:00 p.m.
Room 025, 2nd Floor Room 212
James R. Thompson Center State House
100 W. Randolph Springfield, IL 62706
Chicago, IL 60601

5) Other Pertinent Information: Oral testimony should be limited to ten minutes. Written testimony may be submitted on the hearing date or sent in advance to:

Norma J. Seibert
Administrator
Division of Licensing & Monitoring
Department of Alcoholism & Substance Abuse
222 S. College, 2nd Floor
Springfield, IL 62704
(217) 785-8353

SECRETARY OF STATE

NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Certificates of Title, Registration of Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 1010
- 3) The Notice of Proposed Rules being corrected appeared at 20 Ill. Reg. 5481.
- 4) The information being corrected is as follows:

The answer to question #12 is changed to the following -

Small businesses, insurance companies, persons licensed under Section 5-301 of Chapter 5, may experience financial advantage in obtaining an unbranded Certificate of Title when reselling a vehicle. Disclosing the status of a rebuilt vehicle may lower the value of a vehicle being offered for sale, but is countered by the advantage to the purchaser of knowing the vehicle has suffered damage and carries a branded title.

SECRETARY OF STATE

NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Dealers, Wreckers, Transporters and Rebuilders
- 2) Code Citation: 92 Ill. Adm. Code 1020
- 3) The Notice of Proposed Rules being corrected appeared at 20 Ill. Reg. 5488.
- 4) The information being corrected is as follows:

The answer to question #12 is changed to the following -

Any small business licensed and engaged in the business of disassembling vehicles, specifically, removing dash assemblies, may be affected by any cost incurred by marking each essential part with the Vehicle Identification Number.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of May 7, 1996 through May 13, 1996 and have been scheduled for review by the Committee at its May 21, 1996 or June 25, 1996 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JOAR Meeting
6/21/96	Department of Public Aid, Hospital Services (89 Ill Adm Code 148)	3/1/96 20 Ill Reg 3801	5/21/96
6/26/96	Office of the Comptroller, Illinois' Funeral or Burial Funds Act (38 Ill Adm Code 610)	3/1/96 20 Ill Reg 3655	6/25/96

PROCLAMATIONS

96-179
METROPOLITAN PIER AND EXPOSITION AUTHORITY
EMPLOYEE LONGEVITY DAY

Whereas, the Metropolitan Pier and Exposition Authority is a political subdivision, a unit of local government charged with the duty to promote, operate and maintain fairs, expositions and conventions in the Chicago metropolitan area; and

Whereas, in addition, the Metropolitan Pier and Exposition Authority is charged with the responsibility to provide for the recreational, cultural, commercial or residential development of Navy Pier; and

Whereas, on April 27, 1996, the Metropolitan Pier and Exposition Authority will pay tribute to those employees who have served the Authority for five years or more; and

Whereas, with more than four million annual conventions, trade show and corporate meeting travelers visiting the McCormick Place Complex and Navy Pier, it is the veritable meeting marketing place of the world; and

Whereas, M.P.E.A. employees who perform the myriad of tasks needed to make meetings and shows run smoothly, have consistently contributed to enhancing the image of the State of Illinois, City of Chicago, the McCormick Place Complex and Navy Pier;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 27, 1996, as METROPOLITAN PIER AND EXPOSITION AUTHORITY EMPLOYEE LONGEVITY DAY in Illinois in honor of the many years of commitment to public service which these employees have demonstrated and offer my best wishes for continued success of behalf of the citizens of this state.

Issued by the Governor April 24, 1996.

Filed by the Secretary of State April 26, 1996.

96-180

RICHARD "BISH" CARSON DAY

Whereas, in 1982, Richard Bish Carson was appointed to take on a management position that included managing the Illinois Automobile Insurance Plan; and

Whereas, he was instrumental in Illinois' development of the Commercial Automobile Safety Program, which still serves as a model program for other states; and Whereas, Richard Carson also was instrumental in the implementation of the Limited Assignment Distribution Program in Illinois during the latter part of 1986; and

Whereas, he has organized a variety of subcommittees, including Appeals, Large Claims Review, and Finance and Rates; and

Whereas, he is well-respected throughout the insurance industry and will be greatly missed after he retires this year; and

Whereas, the Illinois Automobile Insurance Plan Governing Committee will hold its quarterly meeting on April 25, at which time it will honor Richard Carson;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 25, 1996, as RICHARD BISH CARSON DAY in Illinois in honor of his dedicated service and invaluable contributions to this state.

Issued by the Governor April 24, 1996.
Filed by the Secretary of State April 26, 1996.

96-181
SAUGANASH WOMAN'S CLUB DAY

Whereas, the Sauganash Woman's Club will celebrate its 70th anniversary on April 30, 1996; and

Whereas, the Sauganash Woman's Club, through the outstanding leadership, loyalty and enthusiastic spirit of its members, has generously supported numerous community organizations throughout the city of Chicago; and

Whereas, the Sauganash Woman's Club's theme of Among Friends is their strength and a reflection of the strong sense of responsibility and service to all people, from its days of making cakes and sandwiches for the U.S.O. during World War II to supporting the homeless;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 30, 1996, as SAUGANASH WOMAN'S CLUB DAY in Illinois and congratulate the group on its 70th anniversary and offer my best wishes for continued success on behalf of the citizens of this state.

Issued by the Governor April 24, 1996.

Filed by the Secretary of State April 26, 1996.

96-182
VIETNAMESE NATIONAL DAY

Whereas, the nation of Vietnam was founded 4,000 years ago by King Hung;

and
Whereas, the anniversary of such founding is celebrated every year, on the third day of the 10th lunar month; and

Whereas, such anniversary is called King Hung Founding Fathers Day by Vietnamese all over the world; and

Whereas, over 9,000 people of Vietnamese heritage have settled in Illinois; and

Whereas, the Vietnamese American community will honor this anniversary in Illinois with a cultural celebration at Truman College in Chicago on April 27, 1996;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 27, 1996, as VIETNAMESE NATIONAL DAY in Illinois.

Issued by the Governor April 24, 1996.

Filed by the Secretary of State April 26, 1996.

96-183
DISASTER AREAS - MADISON, MONROE AND ST. CLAIR COUNTIES

A system of severe thunderstorms accompanied by high winds and torrential rains began on Saturday, April 27, 1996 and is continuing. Since Saturday, these storms have delivered more than five (5) inches of rain accumulating in low-lying areas, which have resulted in flash flooding and flooding and the impoundment of water in Madison, Monroe and St. Clair counties. This has caused a disruption of public services and damage to local roads, homes, businesses and other properties. This flooding, along with high winds, has caused significant damage in both counties.

In the interest of responding to the threat imposed to public health and safety as a result of the storm systems, I hereby declare that a disaster exists within the State of Illinois, and specifically identify Madison, Monroe and St. Clair Counties as disaster areas, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(1992).

This gubernatorial declaration of disaster will aid the Illinois Emergency management Agency in coordinating assistance to local units of government from other State agencies, disaster relief organizations, and community volunteer resources in providing reasonable and necessary emergency measures for disaster response in these counties. This declaration will also provide for the assessment of damages and the determination of a need to request supplemental Federal assistance.

Issued by the Governor April 29, 1996.

Filed by the Secretary of State April 29, 1996.

96-184
DISASTER AREA - FRANKLIN COUNTY

A system of severe thunderstorms accompanied by high winds and torrential rains began on Saturday, April 27, 1996 and continued through Sunday, April 28, 1996. Since Saturday, these storms have delivered more than nine (9) inches of rain accumulating in low-lying areas, which have resulted in flash flooding and flooding and the impoundment of water in Franklin County. This has caused a disruption of public services and damage to local roads, bridges, homes, businesses and other properties.

In the interest of responding to the threat imposed to public health and safety as a result of the storm systems, I hereby declare that a disaster exists within the State of Illinois, and specifically identify Franklin County as a disaster area, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(1992).

This gubernatorial declaration of disaster will aid the Illinois Emergency management Agency in coordinating assistance to local units of government from other State agencies, disaster relief organizations, and community volunteer resources in providing reasonable and necessary emergency measures for disaster response in these counties. This declaration will also provide for the assessment of damages and the determination of a need to request supplemental Federal assistance.

Issued by the Governor May 1, 1996.

Filed by the Secretary of State May 1, 1996.

96-185
RP AWARENESS DAY

Whereas, Retinitis Pigmentosa (RP) is the largest source of internally caused blindness and deaf-blindness in the world today; and

Whereas, RP is a hereditary blinding eye disease which affects more than 500,000 people in the United States, at least 25,000 of whom live in Illinois; and

Whereas, to help combat Retinitis Pigmentosa and allied retinal degenerative diseases, The Foundation Fighting Blindness seeks to raise public awareness and the continued strong public support of scientific research for the betterment of the hundreds of thousands of people who are afflicted by this

disease;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 20, 1996, as RP AWARENESS DAY in Illinois and urge all citizens to lend support to this most important endeavor, so that one day this cruel disease will no longer threaten our precious gift of sight.

Issued by the Governor April 16, 1996.

Filed by the Secretary of State May 3, 1996.

96-186

LIONESS CARAMEL DAY

Whereas, the Lioness Clubs of Illinois tirelessly donate their time to ongoing efforts to help the blind, visually impaired, deaf, and hearing impaired; and

Whereas, the Lioness Clubs of Illinois are sponsoring Lioness Caramel Day for Sight and Sound throughout our state on May 3, 1996; and

Whereas, Caramel Day is being held under the auspices of the Lions of Illinois Foundation, a nonprofit organization; and

Whereas, Illinois residents will benefit greatly from funds raised on Caramel Day;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 3, 1996, as LIONESS CARAMEL DAY in Illinois and urge citizens to support this worthwhile endeavor.

Issued by the Governor April 24, 1996.

Filed by the Secretary of State May 3, 1996.

96-187

DRINKING WATER WEEK

Whereas, an abundant supply of safe, high-quality water is as essential to the economic growth and productivity of our state as it is to our health, comfort, and standard of living; and

Whereas, the American Water Works Association, which represents more than 45,000 members, wishes to focus public attention on the services and goals of the water supply industry through Drinking Water Week; and

Whereas, through its dedication to advanced knowledge of design, operation, and management of water utilities, the association strives to continue providing better water for everyone -- when and where they need it;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 5-11, 1996, as DRINKING WATER WEEK in Illinois and encourage our citizens to broaden their understanding of the goals and services of the water utilities in our state.

Issued by the Governor April 25, 1996.

Filed by the Secretary of State May 3, 1996.

96-188

LIONS CANDY DAY

Whereas, Lions of Illinois have spearheaded efforts to protect our citizens against the ravages of blindness and deafness for many years; and

Whereas, presently, 28,000 Illinois citizens are blind and 106,000 Illinois residents are deaf or hearing-impaired; and

Whereas, Lions have expended millions of dollars in recent years for an eye donor registry, low vision clinics and hearing screenings, camping programs, hearing aid and eyeglass collections, and hundreds of other local programs; and

Whereas, on Friday, October 11, 1996, Lions are observing Candy Day, their primary fund-raising event of the year;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 11, 1996, as LIONS CANDY DAY in Illinois in recognition and support of the organization's many worthwhile endeavors.

Issued by the Governor April 25, 1996.

Filed by the Secretary of State May 3, 1996.

96-189

NAPM DAYS

Whereas, the National Association of Purchasing Management (NAPM) provides the common ground on which dedicated and ambitious purchasing professionals can work together to improve their standards and performance; and

Whereas, the Purchasing Management Association of Chicago (PMAC) was founded in 1913, and is a non-profit organization that stresses professional development by teaching individuals how to increase their organizations' bottom line; and

Whereas, PMAC is dedicated to helping purchasing professionals improve their job performance and advance their careers through contact with others in the field through educational programs and the dissemination of valuable information; and

Whereas, NAPM-Chicago is hosting the 81st Annual NAPM International Purchasing Conference April 29 - May 1, 1996;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 29 - May 1, 1996, as NAPM DAYS in Illinois.

Issued by the Governor April 25, 1996.

Filed by the Secretary of State May 3, 1996.

96-190

DISASTER AREA - LAWRENCE COUNTY

Severe thunderstorms and torrential rainfall occurring on May 8, 1996, were part of a severe weather system that moved through the State of Illinois, which inflicted heavy damage in Lawrence County. The torrential rainfall caused flash flooding, which resulted in extensive damage to homes and businesses. Nearly all of the homes in the Village of Birds were damaged from flooding.

In the interest of responding to the threat imposed to public health and safety as a result of the storm systems, I hereby declare that a disaster exists within the State of Illinois, and specifically identify Lawrence County as a disaster area, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(1992).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the state effort to assist local governments in disaster response and recovery operations, and to assist volunteer resources in providing reasonable and necessary emergency measures for disaster response in any part of the State. This declaration will also

provide for the assessment of damages and the determination of a need to request supplemental Federal assistance.

Issued by the Governor May 10, 1996.

Filed by the Secretary of State May 10, 1996.

96-191 DISASTER AREAS - 19 ILLINOIS COUNTIES

Severe thunderstorms and torrential rainfall occurring on May 6, 1996, that fell on already saturated ground, were part of severe weather system that moved through the State of Illinois, inflicting heavy damage in Adams, Cass, Crawford, Douglas, Effingham, Gallatin, Hamilton, Jasper, Macon, Manard, Perry, Piatt, Saline, Sangamon, Schuyler, Wabash, White, and Williamson counties. The torrential rainfall caused flooding and flash flooding, which resulted in extensive damage to local roads, homes, businesses, farms and other properties.

In the interest of responding to the threat imposed to public health and safety as a result of the storm systems, I hereby declare that a disaster exists within the State of Illinois, and specifically identify Adams, Cass, Crawford, Douglas, Effingham, Gallatin, Hamilton, Jackson, Jasper, Macon, Menard, Perry, Piatt, Saline, Schuyler, Sangamon, Wabash, White, and Williamson counties as disaster areas, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(1992).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the state effort to assist local governments in disaster response and recovery operations, and to assist volunteer resources in providing reasonable and necessary emergency measures for disaster response in any part of the State. This declaration will also provide for the assessment of damages and the determination of a need to request supplemental Federal assistance.

Issued by the Governor May 10, 1996.

Filed by the Secretary of State May 10, 1996.

Rules acted upon during the quarter of April 1 through June 30, 1996 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 952 published in Issue 2 will be listed as 50-952-2. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatale@cc-gate.sos.state.il.us (Internet address).

PROPOSED		
89-160-21	32-320-20	89-117-15
89-170-17	32-505-19	89-140-16,20
89-240-14,20	32-601-20	89-144-20
89-385-14	35-307-15	89-147-20
89-401-14	35-309-15	89-160-15
89-402-14	35-310-15	89-170-15,17,19
89-403-14	35-809-15	89-302-20
89-404-14	38-110-16	89-372-18
89-405-14	38-190-16	89-590-18,
89-406-14	38-205-16	89-590R-19
89-408-14	44-1050R-20	89-676-18
89-410-14	50-916-20	89-679-18
89-682-14	50-2008-19	89-682-18
89-787R-14	50-2801-16	89-895R-18
92-10-21	50-6302-16	92-107-19
92-556-20	56-250-19	92-171-19
92-1010-15,19	56-350-21	92-172-19
92-1020-15	56-2520-18	92-173-19
	56-2725-19	92-177-19
ADOPTED	59-111-15	92-178-19
2-1350-20	68-600R-15	92-179-19
2-2500-21	68-1270-16	92-180-19
2-2501-21	68-1295-15	
8-281-15	68-1380-19	EMERGENCY
8-285R-15	68-1450-19	8-85-19
8-505R-15	68-1455-19	23-650-18
11-321-16	77-475-20	56-2520-13
11-1320-16	77-598-17	89-144-21
11-1431-16	77-820-20	89-240-14
14-150-20	77-1400-16	
14-160-20	80-1200-21	PEREMPT.
14-170-20	80-1210-21	80-310-18,21
14-178-20	80-1220-21	
14-180-20	80-2800-21	
17-130-20	80-3000-21	
17-210-20	83-725R-14	
17-660-20	83-725-14	
17-670-20	86-100-20	
17-1090-20	86-130-14,20	
17-1538-16	86-140-14,20	
20-107-20	86-150-20	
20-801-20	86-160-20	
23-1-18	86-3000-16,18	
23-1400-18	89-104-15	
23-3040-16	89-112-15,17,19	

ILLINOIS REGISTER
ADMINISTRATIVE CODE ORDER FORM

PLEASE USE THIS FORM FOR ALL ORDERS OR TO NOTIFY US OF CHANGE OF ADDRESS
ALL ORDERS ARE PAYABLE IN ADVANCE OR BY VISA OR *Discover*
CHECKS AND/OR MONEY ORDERS ARE PAYABLE TO SECRETARY OF STATE

MICROFICHE SETS OF THE ILLINOIS REGISTER @\$200.00 PER SET
__1977-1978 __1979 __1980 __1981 __1982 __1983 __1984 __1985 __1986
__1987 __1988 __1989 __1990 __1991 __1992 __1993 __1994

CUMULATIVE INDICES TO THE ILLINOIS REGISTER @\$1.00 each:
__1981 __1982 __1983 __1984 __1985 __1986 __1987 __1988 __1989

SECTIONS AFFECTED INDICES TO THE ILLINOIS REGISTER @\$1.00 each:
__1984 __1985 __1986 __1987 __1988 __1989

CUMULATIVE/SECTIONS AFFECTED INDICES @\$5.00 each:
__1990 __1991 __1992 __1993

BACK ISSUES OF THE ILLINOIS REGISTER (current year only) @\$10.00 each:

(Volume Number) (Issue Number) (Issue Date)

ANNUAL SUBSCRIPTION TO THE ILLINOIS REGISTER @\$290.00 (52 ISSUES)
____NEW ____RENEWAL

ANNUAL SUBSCRIPTION AND SUPPLEMENT TO THE ILLINOIS ADMINISTRATIVE CODE; PUBLISHED
QUARTERLY @\$290.00

_____ (1994 Code & 2 Supplements)	_____ (Quantity)	_____ (1995 Supplements)	_____ (Quantity)
---	---------------------	--------------------------------	---------------------

TOTAL AMOUNT OF ORDER: \$ _____

____Check ____Visa ____Discover Card Number: _____
Expiration Date: _____ Signature _____

(IF CHANGE OF ADDRESS, PLEASE LIST THE OLD AND NEW ADDRESS:

(NAME) (PLEASE TYPE OR PRINT)

(ADDRESS)

(CITY)

(STATE)

(ZIP CODE)

(TELEPHONE NUMBER)

GEORGE H. RYAN
SECRETARY OF STATE

Address:
Index Department
111 E. Monroe
Springfield, IL 62756

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT
5300 S. DICKINSON DRIVE
CHICAGO, ILL. 60637
TEL. 773-936-5000
FAX 773-936-5000

CHICAGO, ILL. 60637
TEL. 773-936-5000
FAX 773-936-5000

CHICAGO, ILL. 60637
TEL. 773-936-5000
FAX 773-936-5000

CHICAGO, ILL. 60637
TEL. 773-936-5000
FAX 773-936-5000

CHICAGO, ILL. 60637
TEL. 773-936-5000
FAX 773-936-5000

CHICAGO, ILL. 60637
TEL. 773-936-5000
FAX 773-936-5000

CHICAGO, ILL. 60637
TEL. 773-936-5000
FAX 773-936-5000

CHICAGO, ILL. 60637
TEL. 773-936-5000
FAX 773-936-5000

CHICAGO, ILL. 60637
TEL. 773-936-5000
FAX 773-936-5000